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Reference IOR/R/15/5/145

Title 'File 2/5 VI SHAIKH'S DATE GARDENS.'

Date(s) 22 Jan 1935-3 Mar 1936 (CE, Gregorian)

Written in English and Arabic in Latin and Arabic script

Extent and Format 1 volume (202 folios)

Holding Institution British Library: India Office Records and Private Papers

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#### About this record

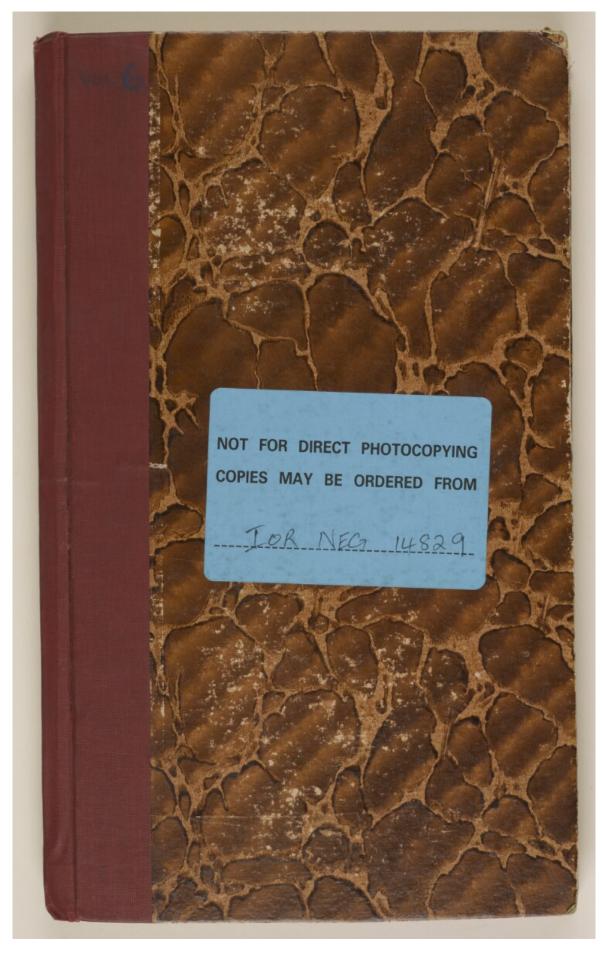
The volume contains correspondence related to the date gardens owned by the Shaikh of Kuwait, Aḥmad al-Jābir Āl Ṣabāḥ, in southern Iraq. In particular, the correspondence concerns the alleged intention of the Iraqi Government to expropriate a portion of the Shaikh of Kuwait's property at Faw. The volume also concerns the service of judicial documents emanating from the Iraqi Government on the Shaikh of Kuwait in connection with his ownership of the gardens and the refusal of the Iraqi Ministry of Justice to recognise the Power of Attorney presented to them by the Shaikh of Kuwait's lawyer in Basra, J Gabriel.

In the volume, British Officials discuss the failure of the Iraqi Government to validate the Shaikh's title to his Faddaghiyya gardens, the Shaikh's appointment of his son Muhammad as his attorney in Iraq, and the appointment of Abdul Jalil Partu as the Shaikh's pleader in Basra instead of J Gabriel. The volume also includes correspondence related to the demands for customs duty by Iraqi customs authorities on Shaikh of Kuwait's motor launch.

The main correspondence is between the Political Agent, Kuwait, the British Ambassador, Baghdad, Ministry of Foreign Affairs, Iraq, the Ruler of Kuwait, and the Foreign Office, London.

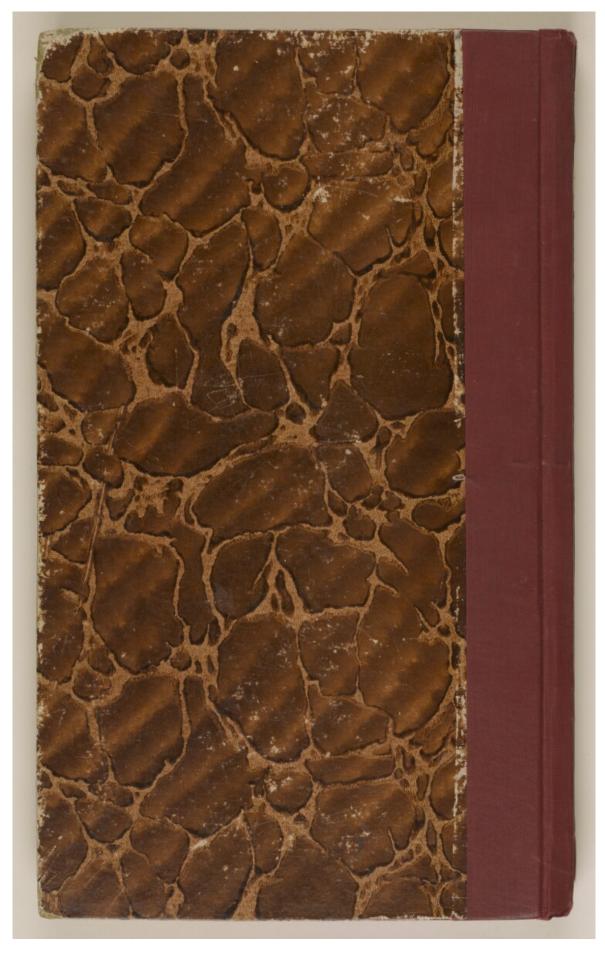






























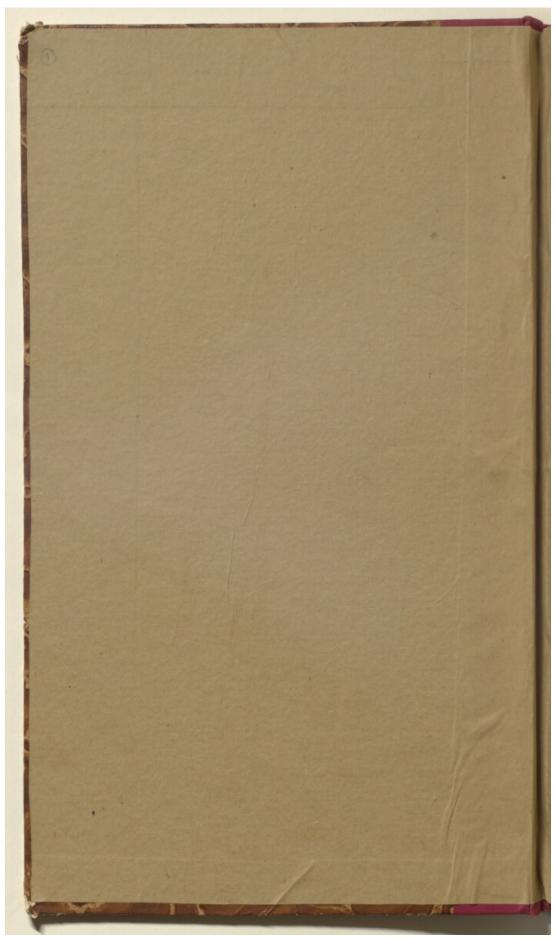






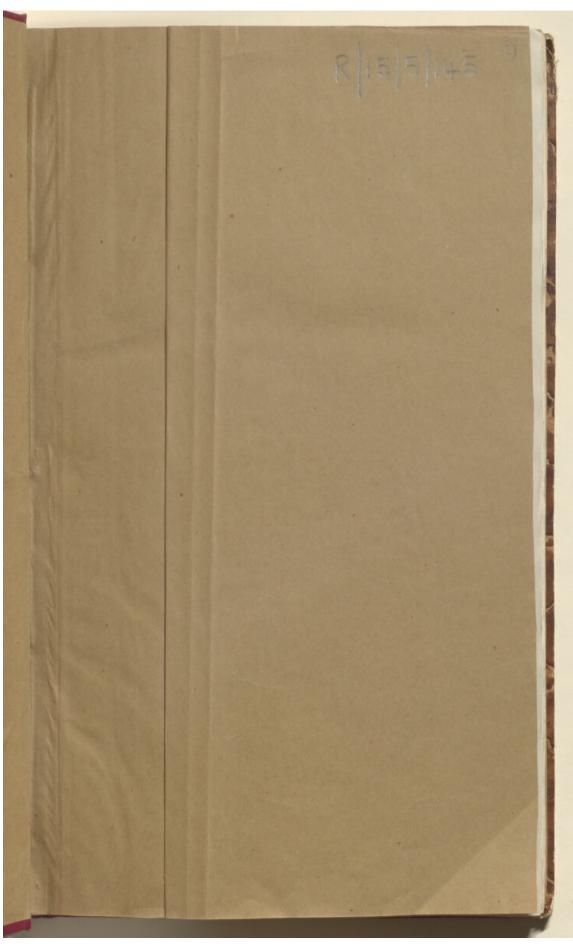






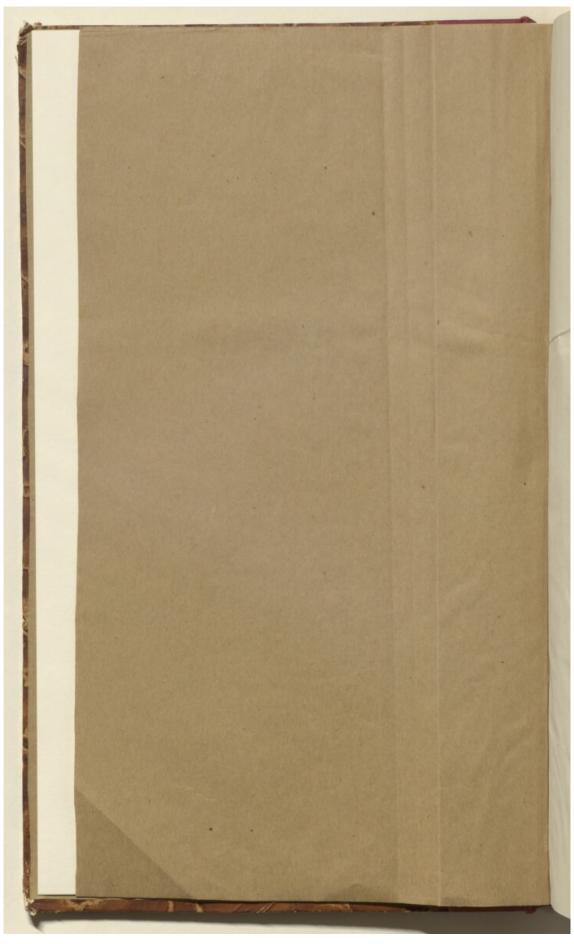






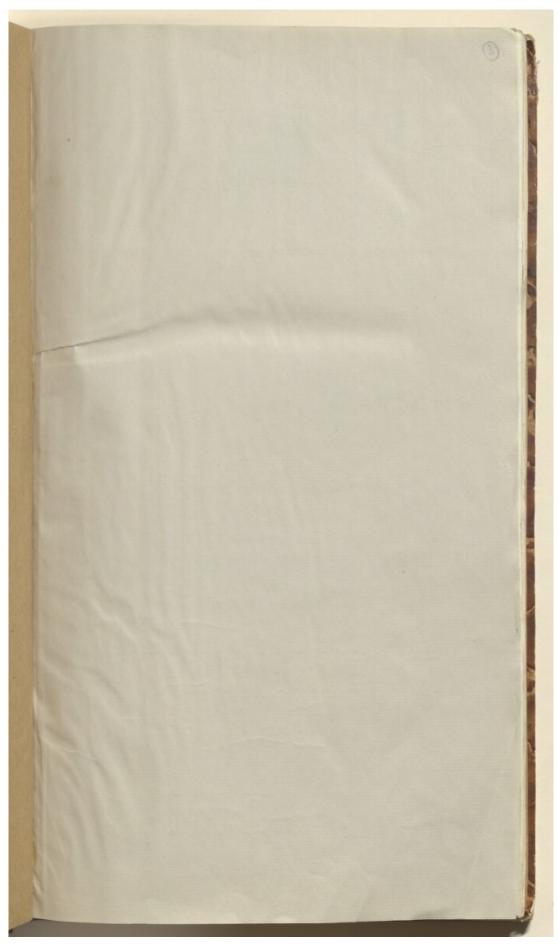












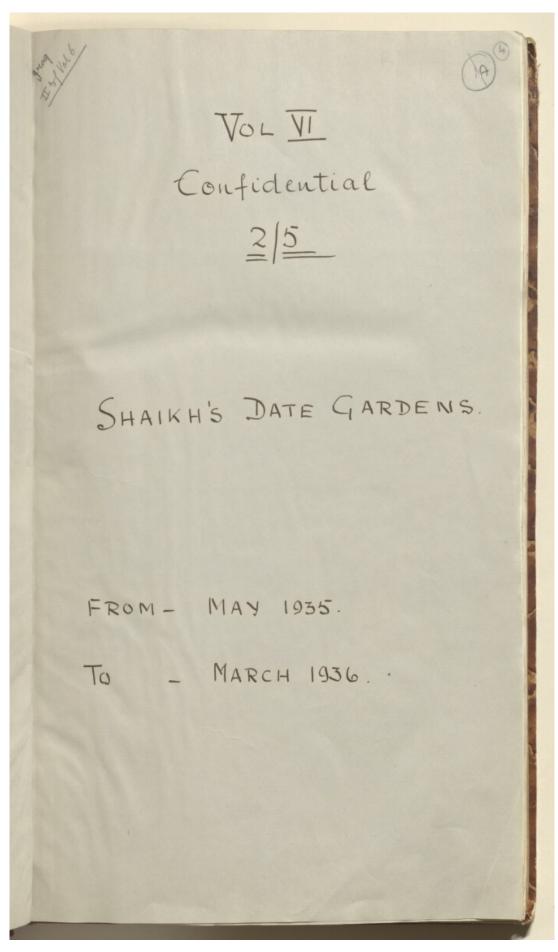
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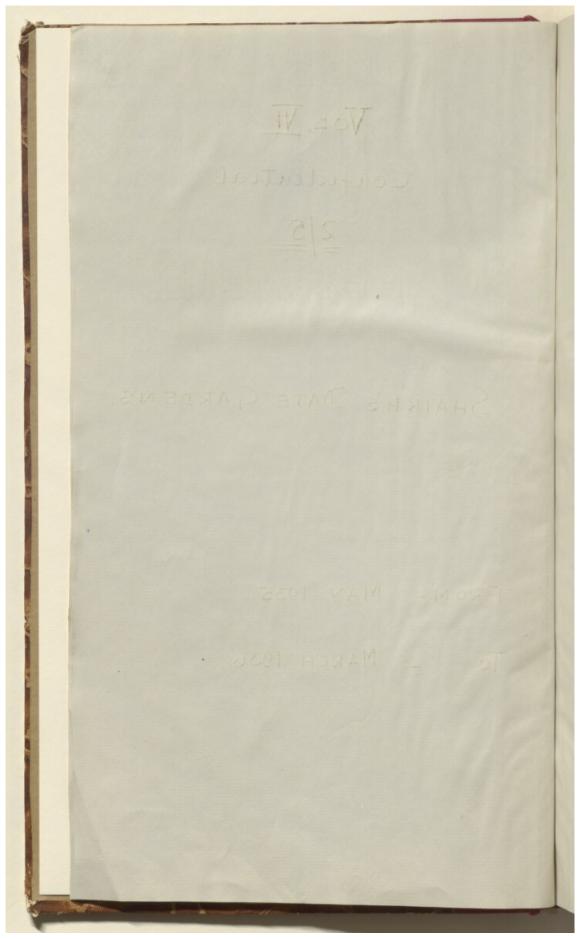
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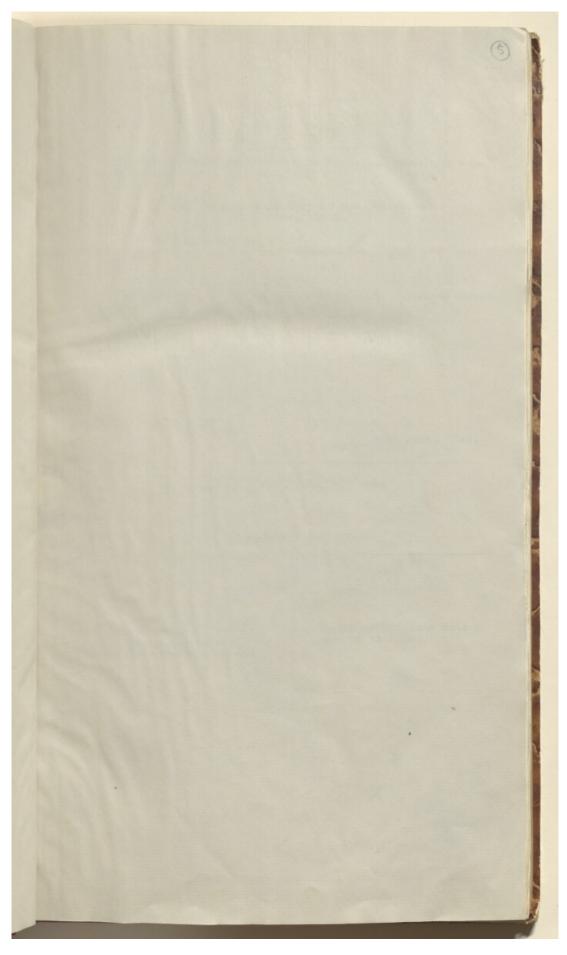
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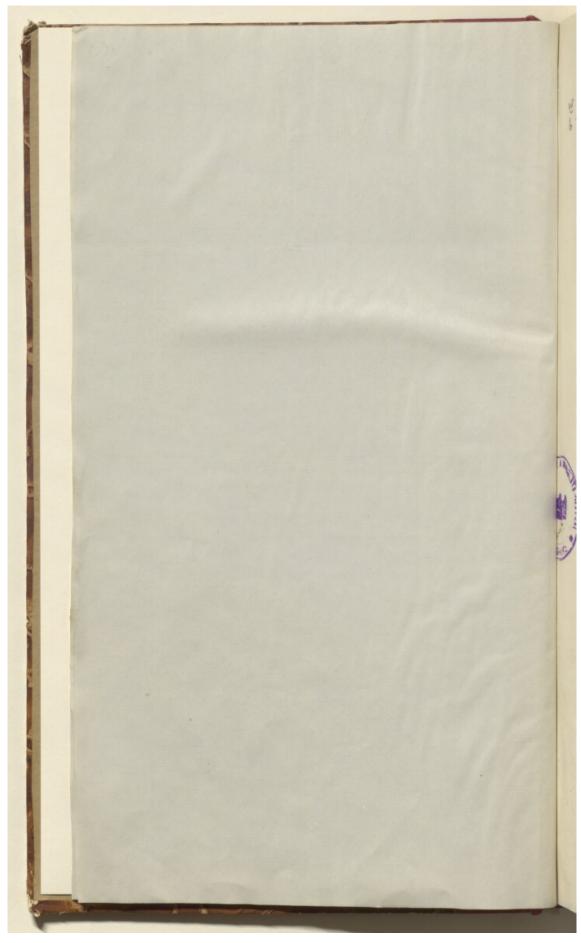






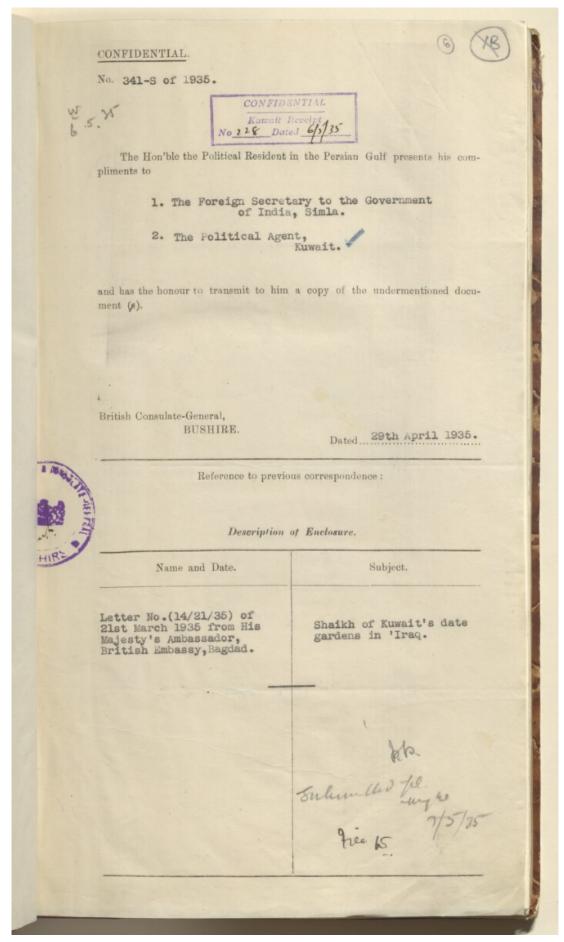
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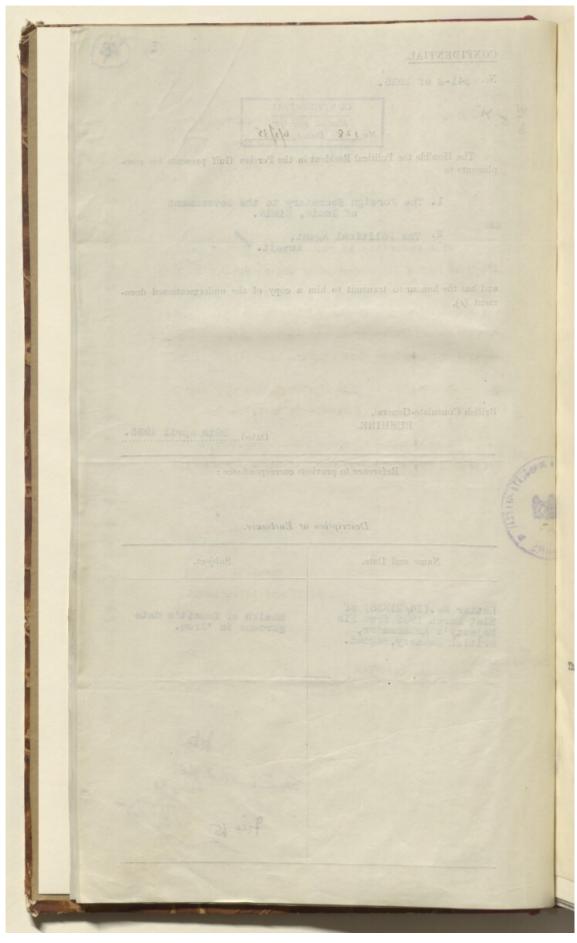
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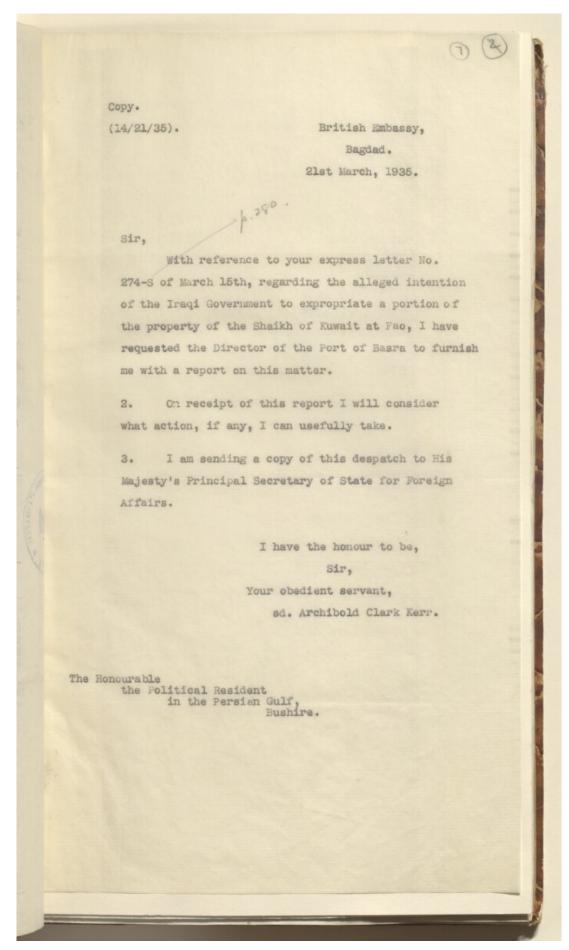
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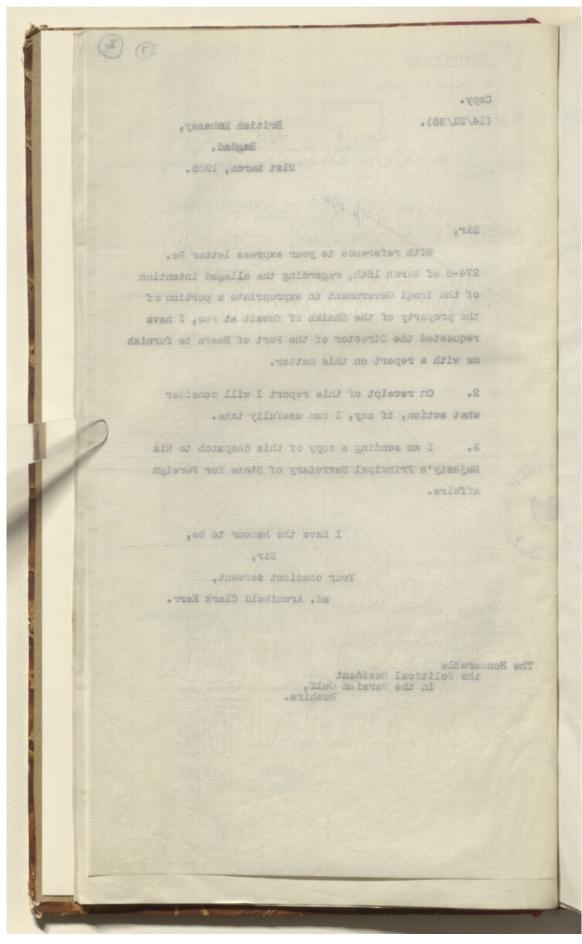
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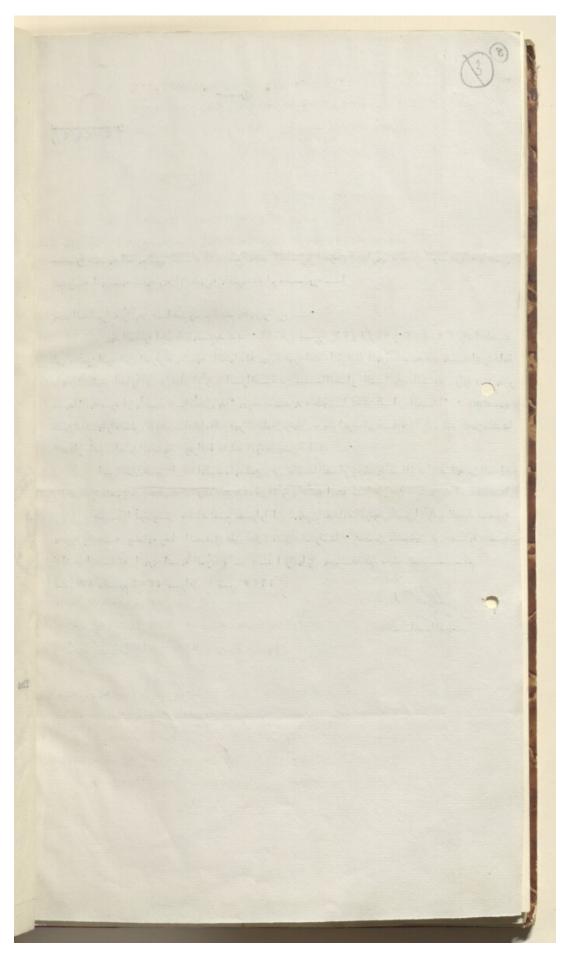
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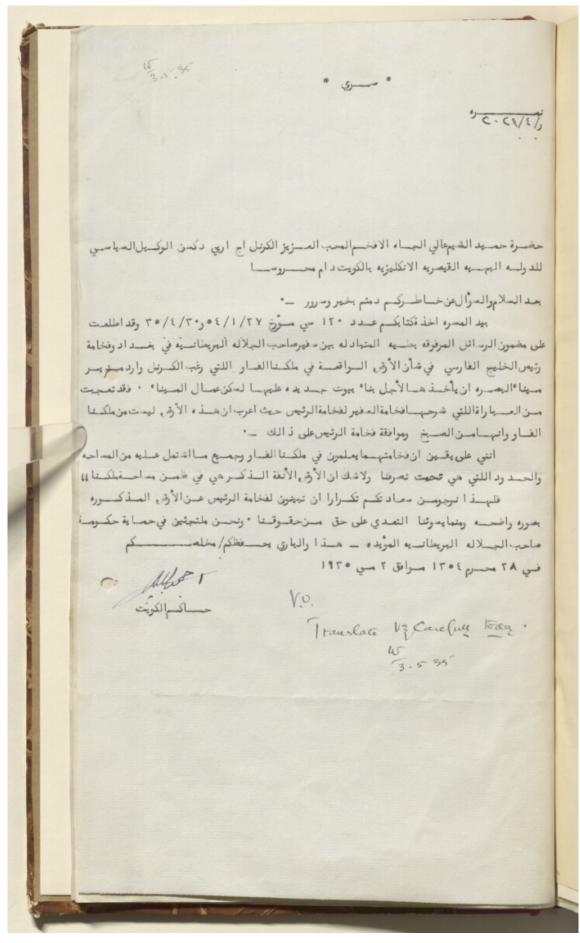






#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [8v] (21/412)





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### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [9r] (22/412)



Translation of a confidential letter No.R-4/2021 dated the 28th Muharram 1354, corresponding to the 2nd May 1935, from His Excellency the Ruler of Kuwait, to the (VE) Political Agent, Kuwait. After compliments, I have with pleasure received your letter No.0-120 dated the 27th Muharram 1354, corresponding to the 30th April 1935, and have noted the summaries of the letters للولمه (enclosed therin) which passed between H.M's Ambassador, Baghdad, and the Hon'ble the Political Resident in the مدالعلا Persian Gulf, regarding the piece of land situated in my Fao property, which Colonel Ward of Port Directorate desired to take over with a view to building new houses on it for بيسالخا the residence of Port Officials. مينااالي In very truth I am surprised at the explanations سزالع made by His Excellency the Ambassador, to the Hon'ble the الماووا Political Resident, stating that the abovementioned land was not a part of my Fao property, but was waste land, and I cannot see how the Hon'ble the Political Resident came to agree to that. بموره واه I am confident that their Excellencies both فادبال

I am confident that their Excellencies both know all about my Fao property, including the area and boundaries (of the gardens) which come under my ownership. There is no doubt whatsoever that the piece of land referred to above is situated within the area (limits) of my property.

Therefore, I beg to repeat my request to you to kindly explain to the Hon'ble the Political Resident very clearly about the abovementioned land. It is a sad misfortune to think that my rights are being so violated, while I am under H.M's Government's protection.

Usual ending.

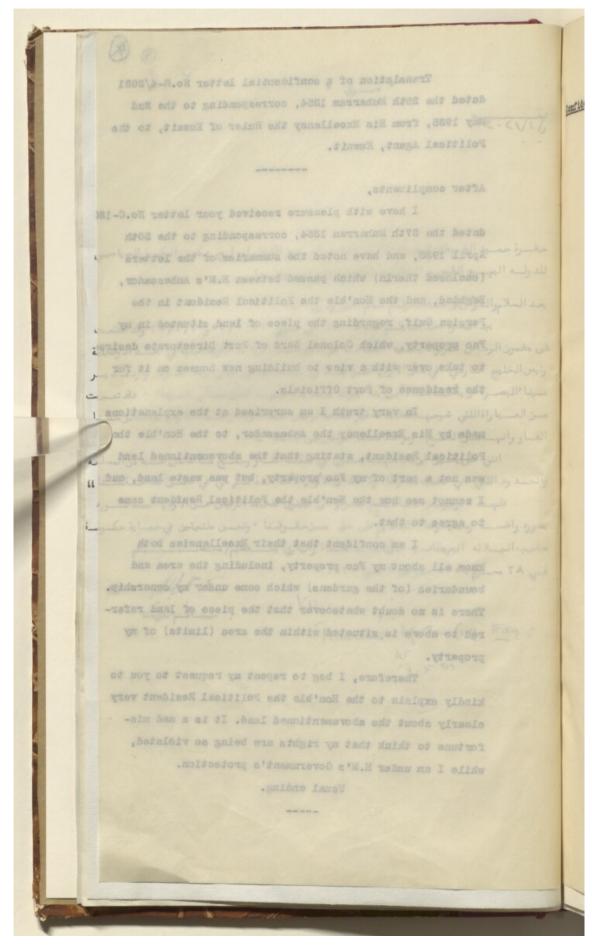
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#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [9v] (23/412)





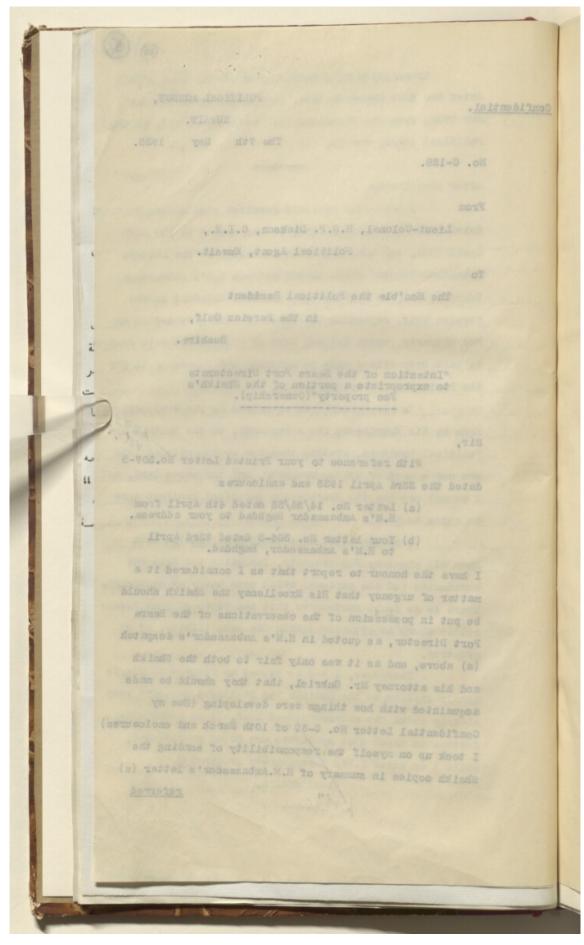
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [10r] (24/412)



POLITICAL AGENCY, Confidential. KUWAIT. The 7th May 1935. No. C-128. From Lieut-Colonel, H.R.P. Dickson, C.I.E., Political Agent, Kuwait. To The Hon'ble the Political Resident in the Persian Gulf, Bushire. "Intention of the Basra Port Directorate to expropriate a portion of the Shaikh's Fao property" (Ownership). Sir, With reference to your Printed Letter No. 307-S dated the 23rd April 1935 and enclosures (a) Letter No. 14/24/35 dated 4th April from H.M's Ambassador Baghdad to your address, (b) Your letter No. 306-S dated 23rd April to H.M's Ambassador, Baghdad. I have the honour to report that as I considered it a matter of urgency that His Excellency the Shaikh should be put in possession of the observations of the Basra Port Director, as quoted in H.M's Ambassador's despatch (a) above, and as it was only fair to both the Shaikh and his attorney Mr. Gabriel, that they should be made acquainted with how things were developing (See my Confidential Letter No. G-69 of 10th March and enclosures) I took up on myself the responsibility of sending the Sheikh copies in summary of H.M.Ambassador's letter (a) referred







#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [11r] (26/412)



-: 2 :-

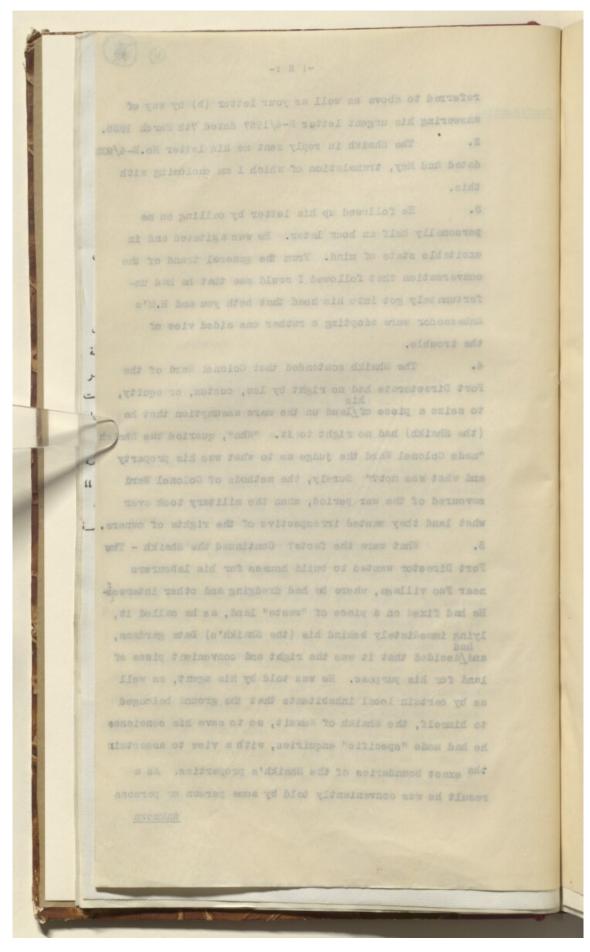
referred to above as well as your letter (b) by way of answering his urgent letter R-4/1957 dated 7th March 1935.

- 2. The Shaikh in reply sent me his letter No.R-4/202 dated 2nd May, translation of which I am enclosing with this.
- 3. He followed up his letter by calling on me personally half an hour later. He was agitated and in excitable state of mind. From the general trend of the conversation that followed I could see that he had unfortunately got into his head that both you and H.M's Ambassador were adopting a rather one sided view of the trouble.
- 4. The Shaikh contended that Colonel Ward of the Port Directorate had no right by law, custom, or equity, his to seize a piece of land on the mere assumption that he (the Shaikh) had no right to it. "Who", queried the Shaikh "made Colonel Ward the judge as to what was his property and what was not?" Surely, the methods of Colonel Ward savoured of the war period, when the military took over what land they wanted irrespective of the rights of owners.
- Port Director wanted to build houses for his labourers near Fao village, where he had dredging and other interess. He had fixed on a piece of "waste" land, as he called it, lying immediately behind his (the Shaikh's) Date gardens, had and/decided that it was the right and convenient piece of land for his purpose. He was told by his agent, as well as by certain local inhabitants that the ground belonged to himself, the Shaikh of Kuwait, so to save his concience he had made "specific" enquiries, with a view to ascertain the exact boundaries of the Shaikh's properties. As a result he was conveniently told by some person or persons

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#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [12r] (28/412)



-: 3 :-

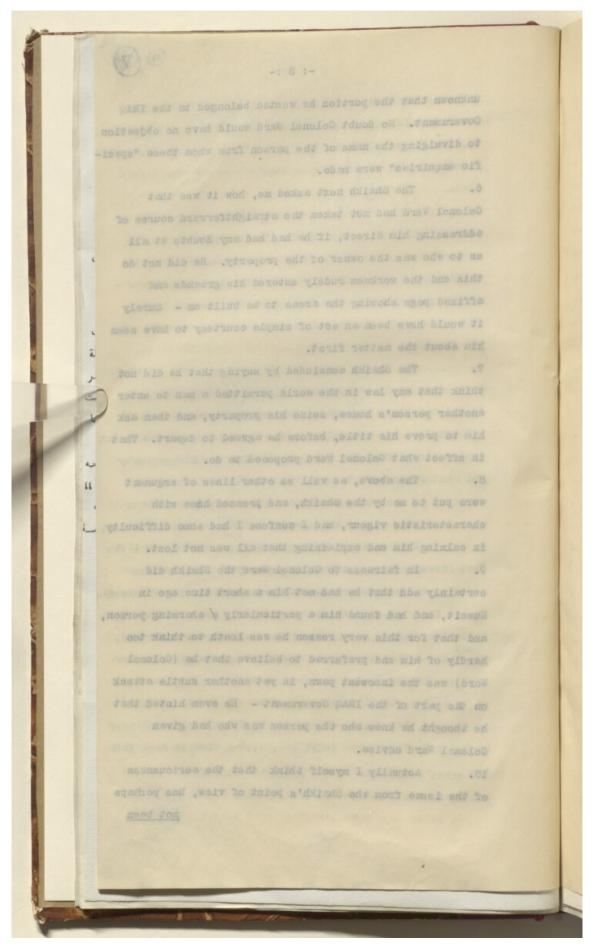


unknown that the portion he wanted belonged to the IRAQ Government. No doubt Golonel Ward would have no objection to divulging the name of the person from whom these "specific enquiries" were made.

- 6. The Shaikh next asked me, how it was that Colonel Ward had not taken the straightforward course of addressing him direct, if he had had any doubts at all as to who was the owner of the property. He did not do this and the workmen rudely entered his grounds and affixed pegs showing the areas to be built on Surely it would have been an act of simple courtesy to have seen him about the matter first.
- 7. The Shaikh concluded by saying that he did not think that any law in the world permitted a man to enter another person's house, seize his property, and then ask him to prove his title, before he agreed to depart. That in effect what Colonel Ward proposed to do.
- 8. The above, as well as other lines of argument were put to me by the Shaikh, and pressed home with characteristic vigour, and I confess I had some difficulty in calming him and explaining that all was not lost.
- 9. In fairness to Colonel Ward the Shaikh did certainly add that he had met him a short time ago in Kuwait, and had found him a particularly of charming person, and that for this very reason he was loath to think too hardly of him and preferred to believe that he (Colonel Ward) was the innovent pawn, in yet another subtle attack on the part of the IRAQ Government He even hinted that he thought he knew who the person was who had given Colonel Ward advice.
- 10. Actually I myself think that the seriousness of the issue from the Shaikh's point of view, has perhaps not been









-: 4 :-



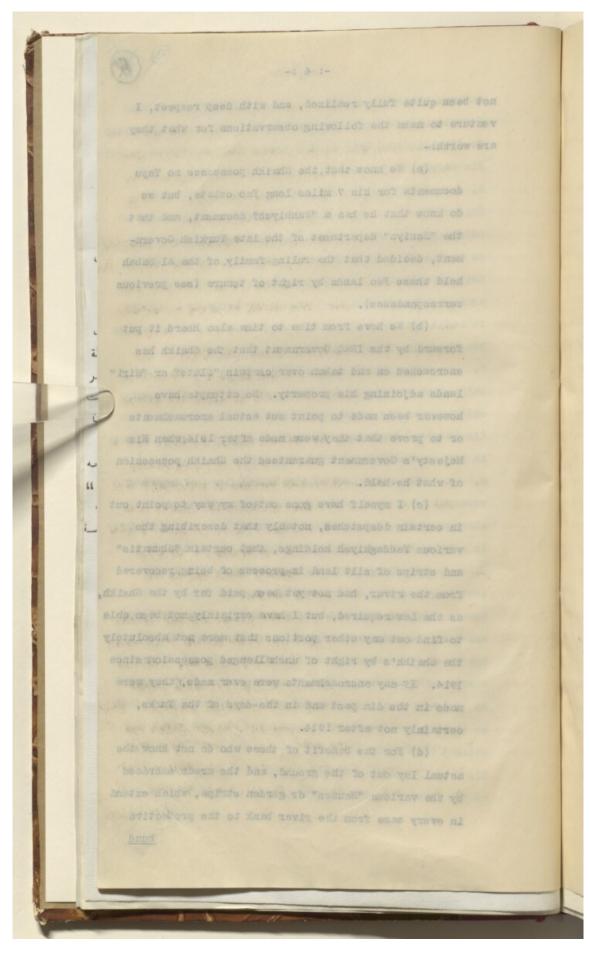
not been quite fully realized, and with deep respect, I venture to make the following observations for what they are worth:-

- (a) We know that the Shaikh possesses no Tapu documents for his 7 miles long Fao estate, but we do know that he has a "Wahbiyeh? document, and that the "Saniya" department of the late Turkish Government, decided that the ruling family of the Al Sabah held these Fao lands by right of tenure (see previous correspondence).
- (b) We have from time to time also heard it put forward by the IRAQ Government that the Shaikh has encroached on and taken over certain "Slate" or "Miri" lends adjoining his property. No attempts have however been made to point out actual encroachments or to prove that they were made after 1914 when His Majesty's Government guaranteed the Shaikh possession of what he held.
- (c) I myself have gone out of my way to point out in certain despatched, notably that describing the various Faddaghiyeh holdings, that certain "Shuwatis" and strips of silt land in process of being recovered from the river, had not yet been paid for by the Shaikh, as the Law required, but I have certainly not been able to find out any other portions that were not absolutely the Shaikh's by right of unchallenged possession since 1914. If any encroachments were ever made, they were made in the dim past and in the days of the Turks, certainly not after 1914.
- (d) For the benefit of those who do not know the actual lay out of the ground, and the areas embraced by the various "Hauzes" or garden strips, which extend in every case from the river bank to the protective bund

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#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [14r] (32/412)



-: 5 :-

bund on the land side of the gardens from Basra to the sea at Fao, there is a waste swamp area, liable to be flooded at high tide from the direction of the Khor Abdulla - which floods are especially dangerous to the date gardens when a strong wind blows up from the Persian Gulf and piles up the water.

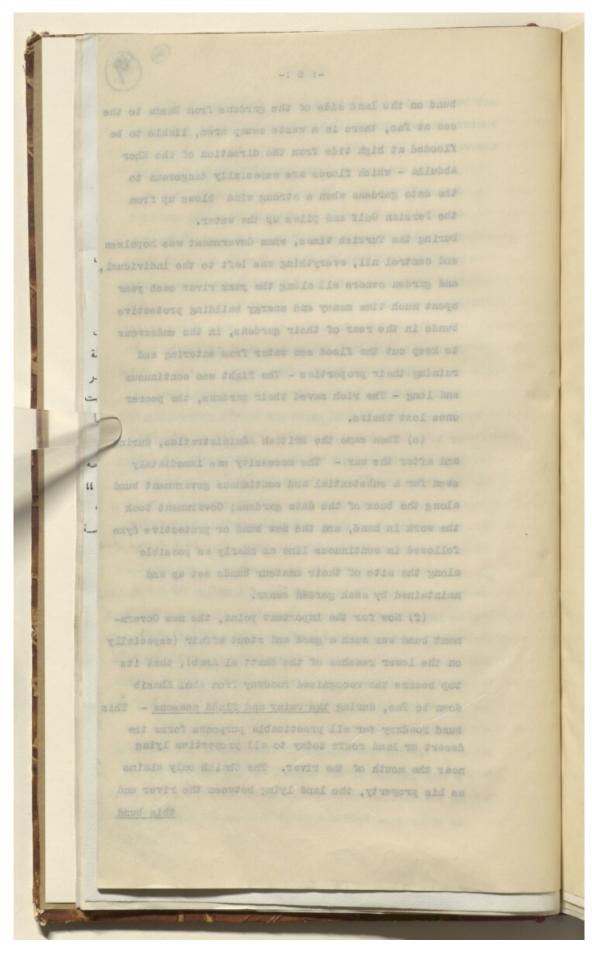
During the Turkish times, when Government was hopeless and control nil, everything was left to the individual, and garden owners all along the max river each year spent much time money and energy building protective bunds in the rear of their gardens, in the endeavour to keep out the flood sea water from entering and ruining their properties - The fight was continuous and long - The rich saved their gardens, the poorer ones lost theirs.

- (e) Then came the British Administration, during and after the war The necessity was immediately seen for a substantial and continuous government bund along the back of the date gardens; Government took the work in hand, and the new bund or protective dyke followed in continuous line as nearly as possible along the site of their amateur bunds set up and maintained by each garden owner.
- (f) Now for the important point, the new Government bund was such a good and stout affair (especially on the lower reaches of the Shatt al Arab), that its top became the recognised roadway from Abal Khasib down to Fao, during the rainy and flood seasons This bund roadway for all practicable purposes forms the desert or land route today to all properties lying near the mouth of the river. The Shaikh only claims as his property, the land lying between the river end this bund

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-: 6 :-



this bund. The "waste" strip wanted by Colonel Ward lies east of or within the bund in question.

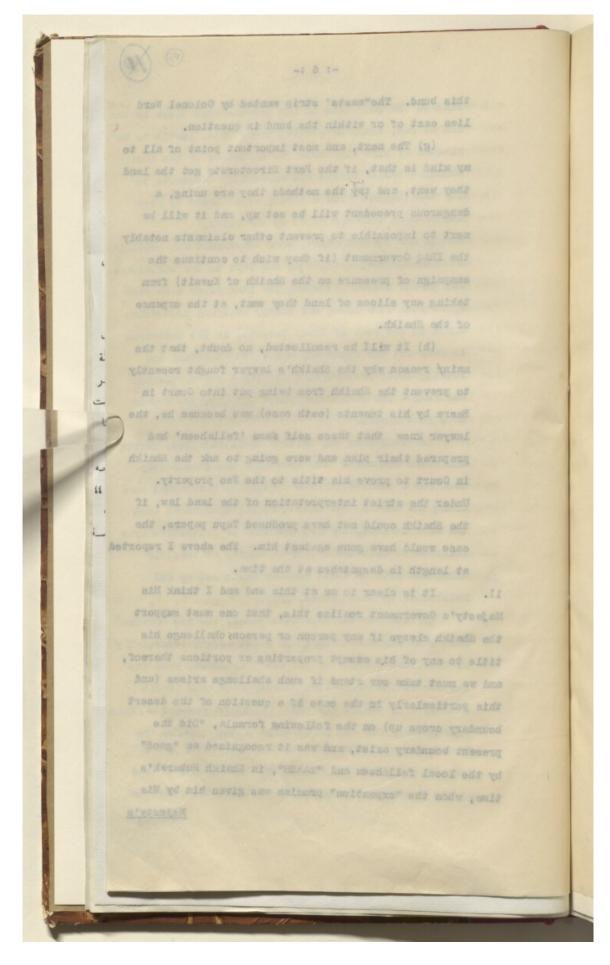
- (g) The next, and most important point of all to my mind is that, if the Port Directorate get the land they want, and try the methods they are using, a dangerous precedent will be set up, and it will be next to impossible to prevent other claimants notably the IRAQ Government (if they wish to continue the campaign of pressure on the Shaikh of Kuwait) from taking any slices of land they want, at the expense of the Shaikh.
- (h) It will be recollected, no doubt, that the main reason why the Shaikh's lawyer fought recently to prevent the Shaikh from being put into Court in Basra by his tenants (oath case) was because he, the lawyer knew that these self fame 'fellaheen' had prepared their plan and were going to ask the Shaikh in Court to prove his title to the Fao property.

  Under the strict interpretation of the land law, if the Shaikh could not have produced Tapu papers, the case would have gone against him. The above I reported at length in despatches at the time.
- Majesty's Government realize this, that one must support the Shaikh always if any person or person; challenge his title to any of his exempt properties or portions thereof, and we must take our stand if such challenge arises (and this particularly is the case of a question of the desert boundary crops up) on the following formula, "Did the present boundary exist, and was it recognized as "good" by the local fellaheen and "TAABS", in Shaikh Mubarak's time, when the "expemtion" promise was given him by His Majesty's

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- 7 --



Majesty's Government or not? If it did and the boundary had not been altered, in any way, then that remained the boundary of the estate, as guaranteed by His Majesty's Government. If it did not, then official investigation on the spot(with a British officer to represent the Shaikh) should be made immediately and decision arrived at".

dealing with, I feel, I may say so, that Colonel Ward would have done better to have written and told the Shaikh frankly what he intended doing - I cannot but feel that if this had happened, the Shaikh would have been reasonable, and have reacted well, and would have granted all his requests. What has so upset the Shaikh (oxe to understand his feelings properly, one must put oneself in his place and be aware of the past history of the gardens), is the fact that he feels that he has been short circuited, and that a great discourtesy has been done him.

Even now I feel that if Colonel Ward were to pay Shaikh a visit, and put forward his case, all would be well - I suggest this seriously as a solution of the difficulty, and I hope it will be given a try - The other way will lead to further difficulties.

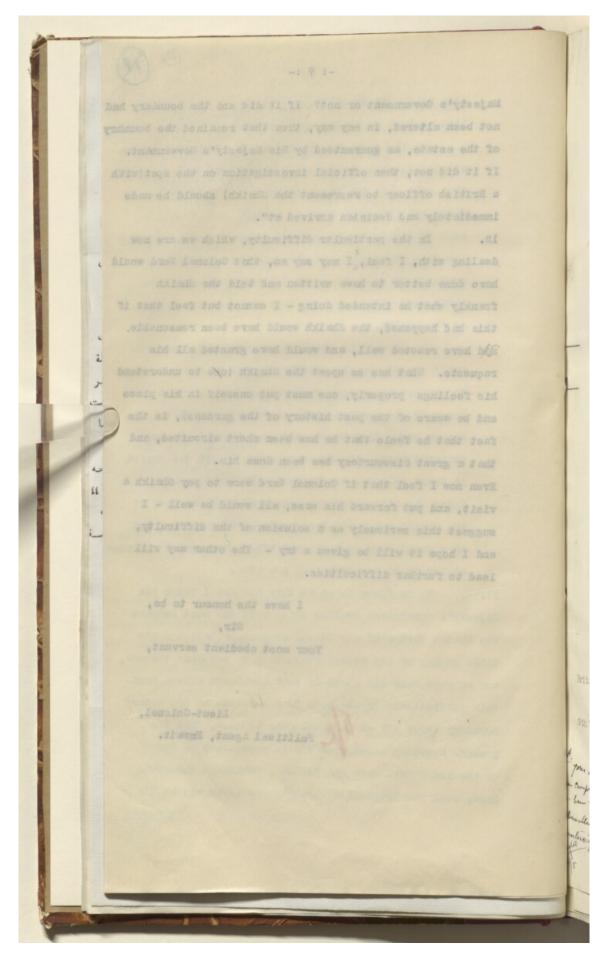
I have the honour to be, Sir,

Your most obedient servent,

Lieut-Colonel,
Political Agent, Kuwait.

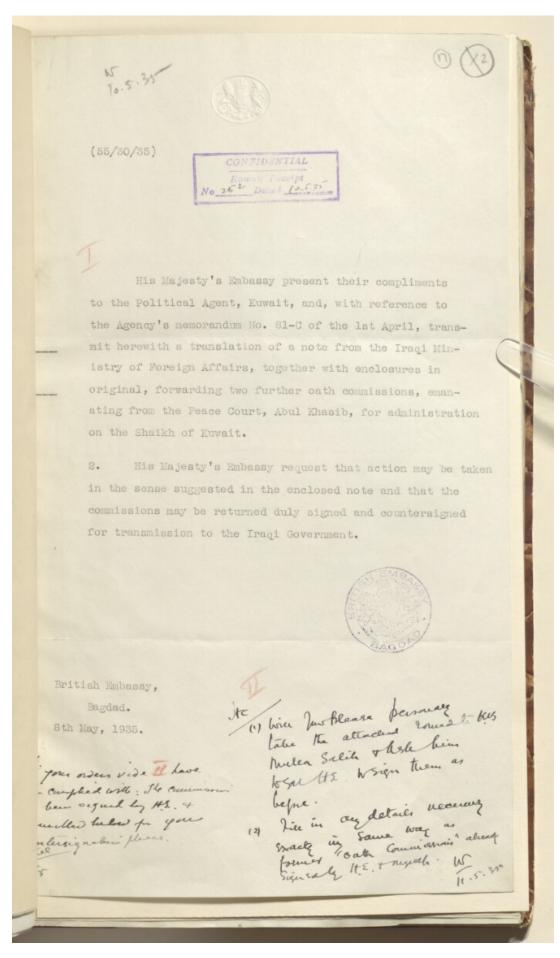






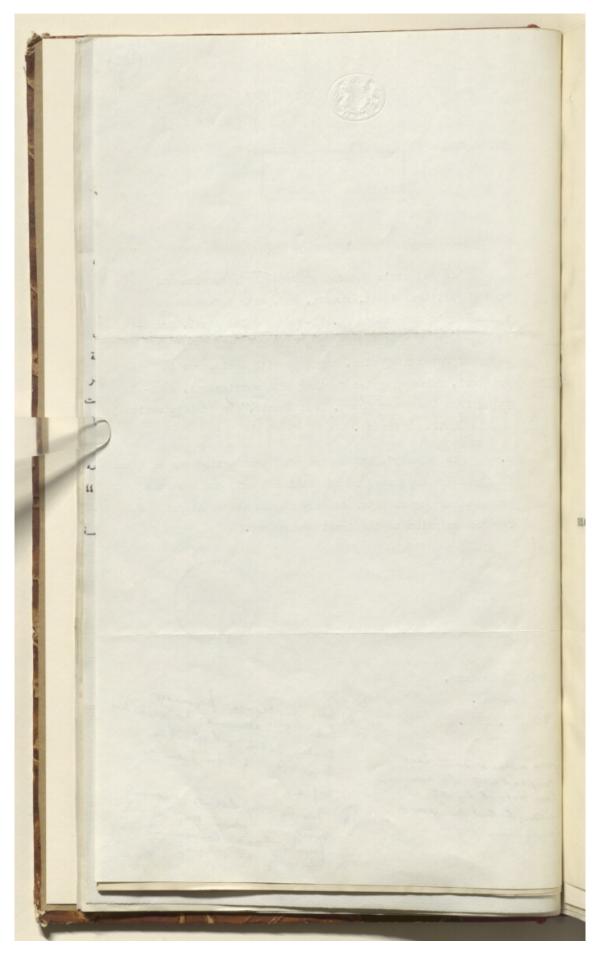
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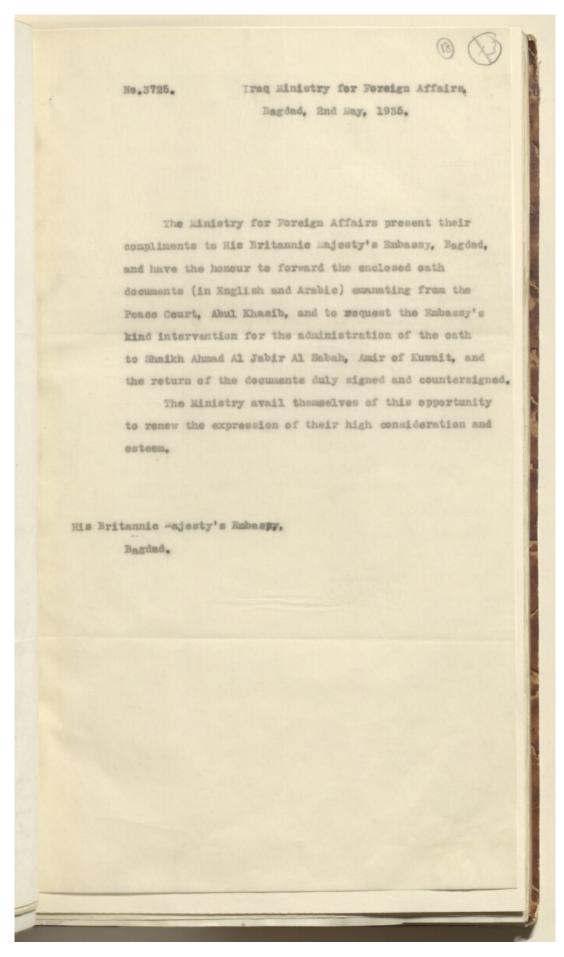






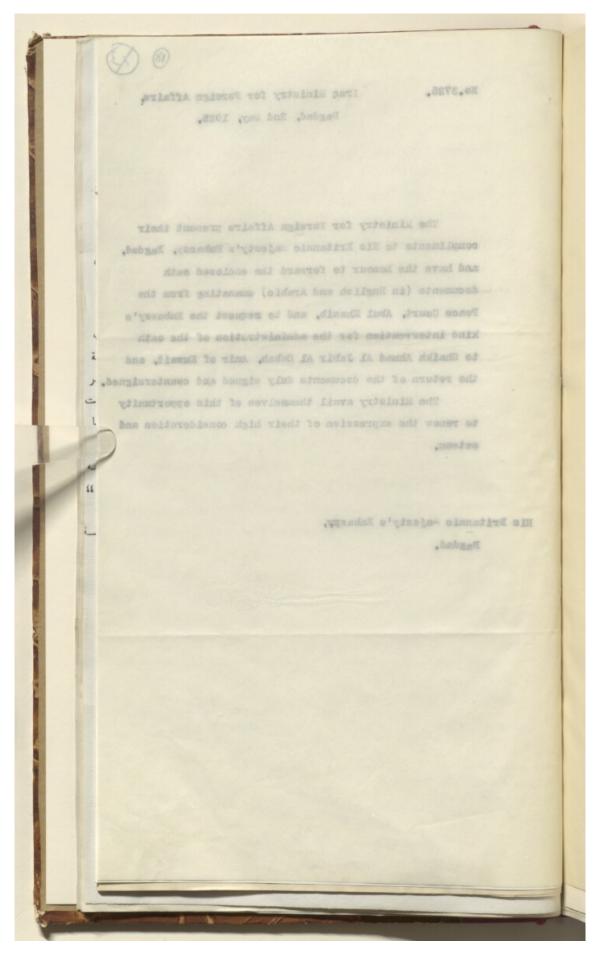






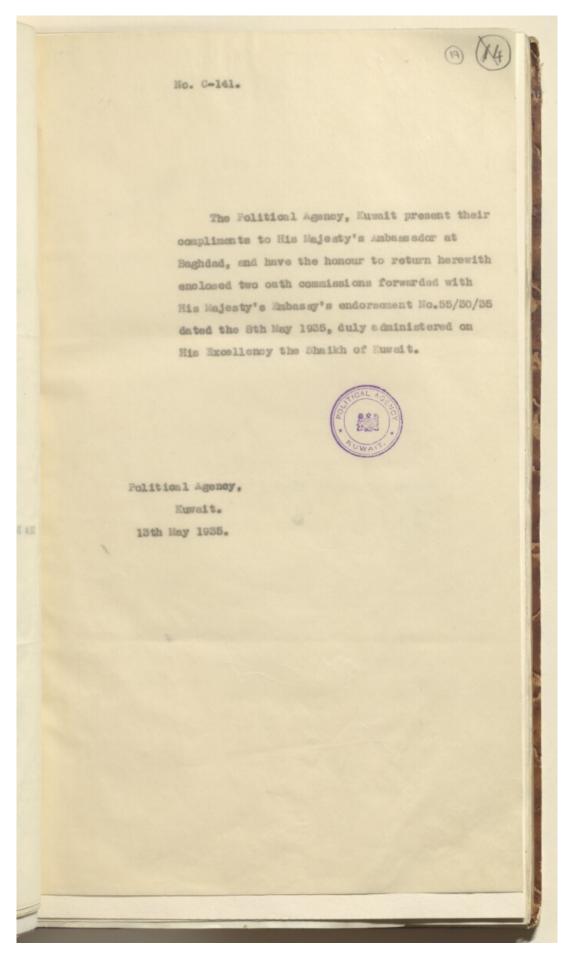






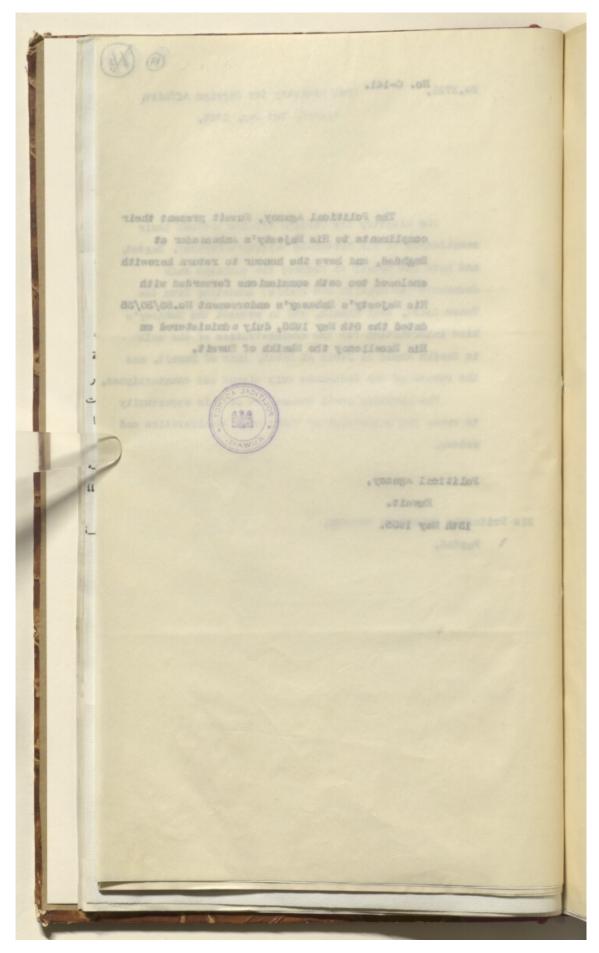






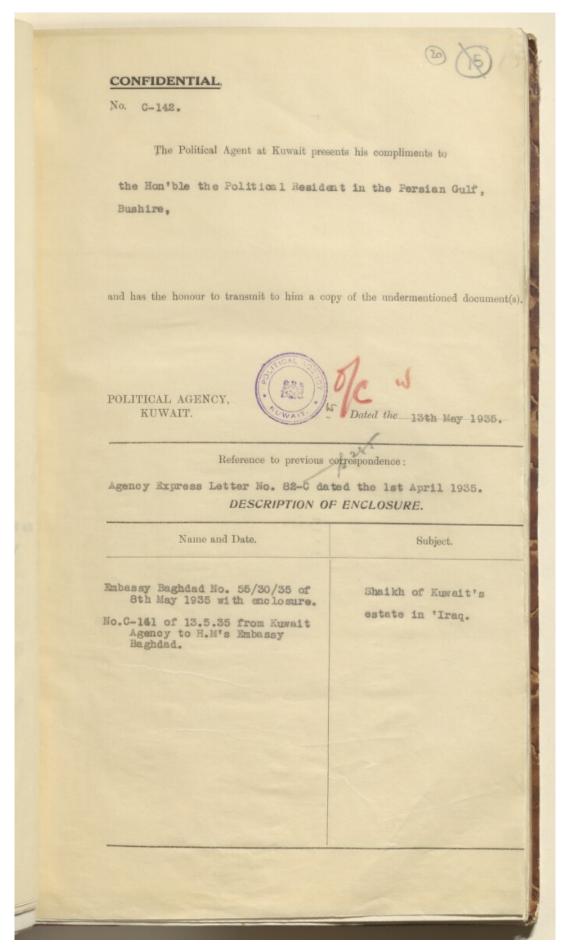






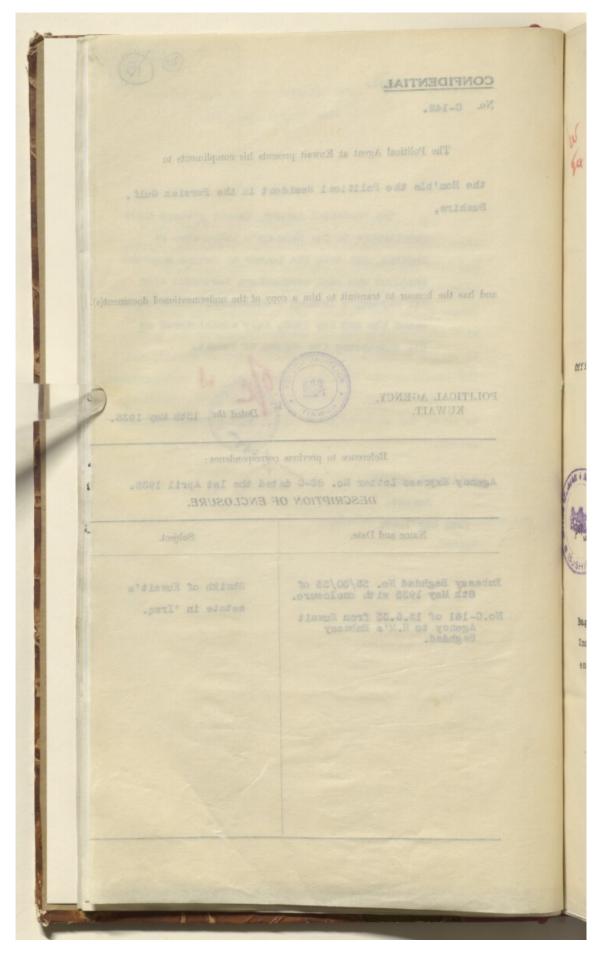
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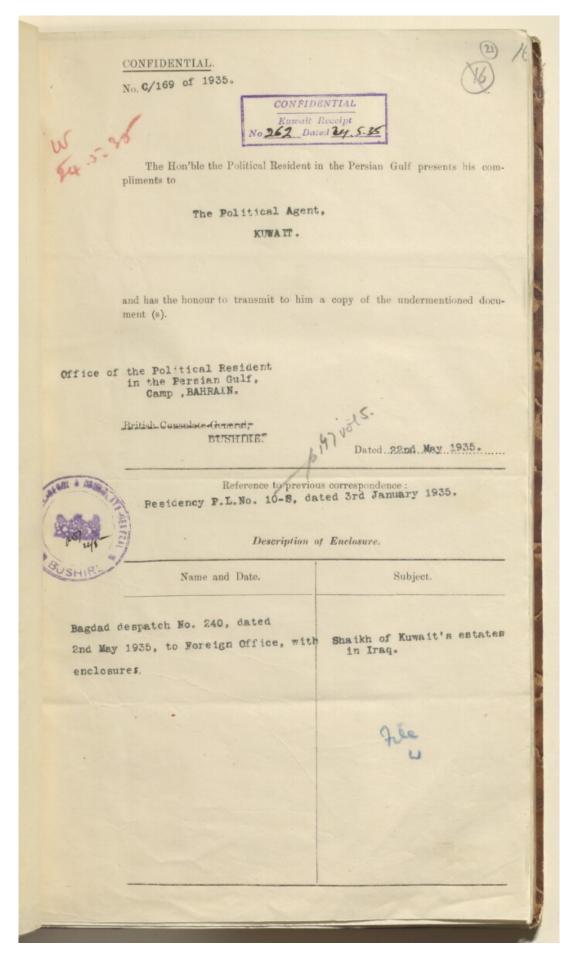






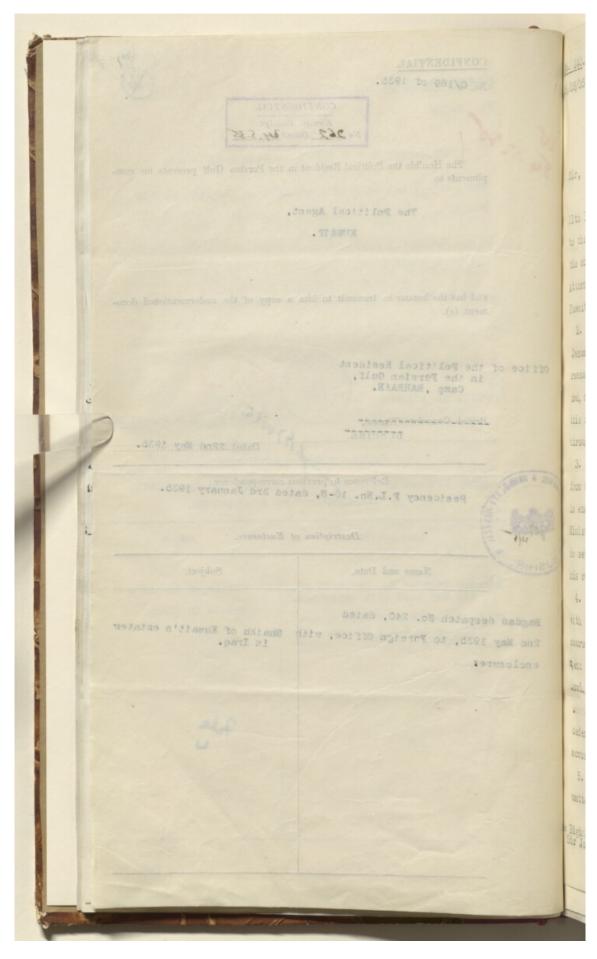
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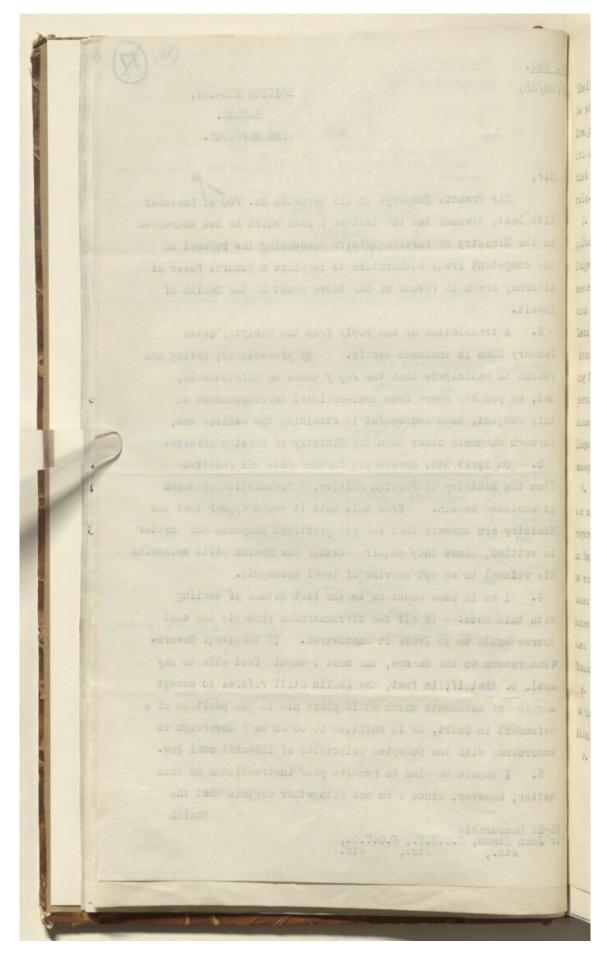
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [22r] (48/412)



0. 240. BRITISH EM. .... BAGDAD. 2nd May 1935. Sir, Sir Francis Humphrys in his despatch No. 700 of December 11th last, transmitted the text of a note which he had addressed to the Ministry of Foreign Affairs concerning the refusal of the competent Iragi authorities to legalise a general Power of Attorney drawn in favour of the Basra agent of the Sahikh of Kuwait. 2. A translation of the reply from the Ministry dated January 22nd is enclosed herein. My predeces or, having had reason to anticipate that the reply would be unfavourable, had, as you are aware from semi-official correspondence on this subject, been successful in attaining the desired end, through channels other than the Ministry of Foreign Affairs. 3. On April 9th, however, a further note was received from the Ministry of Foreign Affairs, a translation of which is enclosed herein. From this note it would appear that the Ministry are unaware that for all practical purposes the matter is settled, since they enquire the Shaikh still maintains his refusal to accept service of legal documents. 4. I am in some doubt as to the best method of dealing with this note. In all the circumstances probably the best course would be to leave it unanswered. If the Iraqi Govern-Ment return to the charge, the most I should feel able to say would be that, if, lin fact, the chaikh till refuses to accept service of documents which would place him in the position of a defendant in Court, he is entitled to do so as a sovereign in accordence with the accepted principles of international law. 5. I should be glad to receive your instruction s on this matter, however, since I am not altogether certain that the Right Honourable ir John Simon, G.C.S.I., K.C.V.O., etc., etc.







### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [23r] (50/412)



Shaikh, as the owner of extensive real property in Iraq, would be able successfully to sustain the plea of immunity if the

Irai Government chose to press the point. From the authorities on the matter which I have consulted, it appears to me that the Shaikh's case falls within the exception to the general

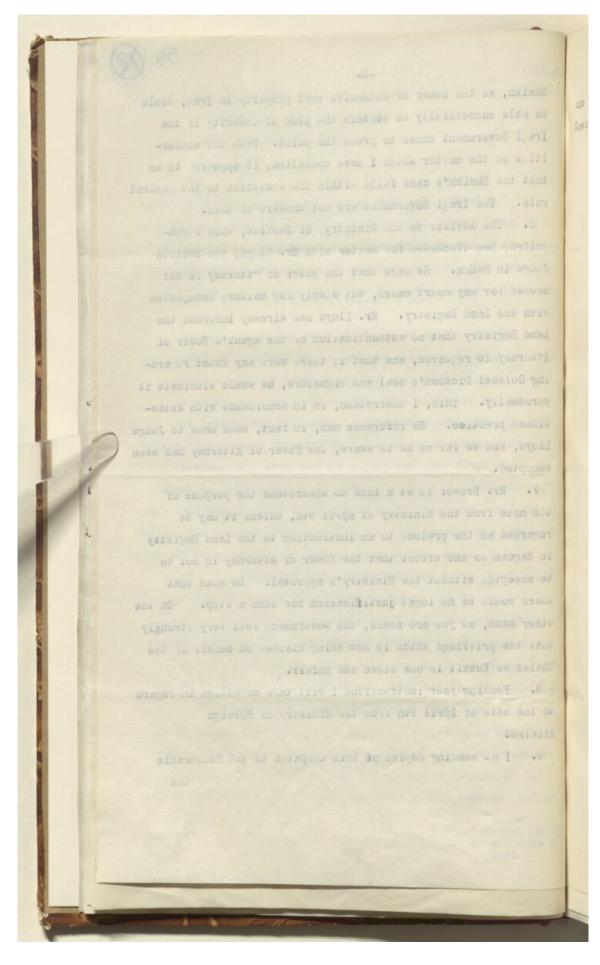
rule. The Iraqi Government are not unaware of this.

sulted, has discussed the matter with Mr. Lloyd, the British Judge in Basra. He says that the power of "ttorney is not needed for any court cases, but simply for matters connected with the Land Registry. Mr. Lloyd has already informed the Land Registry that no authentication of the agent's Power of Attorney is required, and that if there were any doubt regarding Colonel Dickson's seal and signature, he would elucidate it personally. This, I understand, is in accordance with established practice. No reference has, in fact, been made to Judge Lloyd, and so far as he is aware, the Power of Attorney has been accepted.

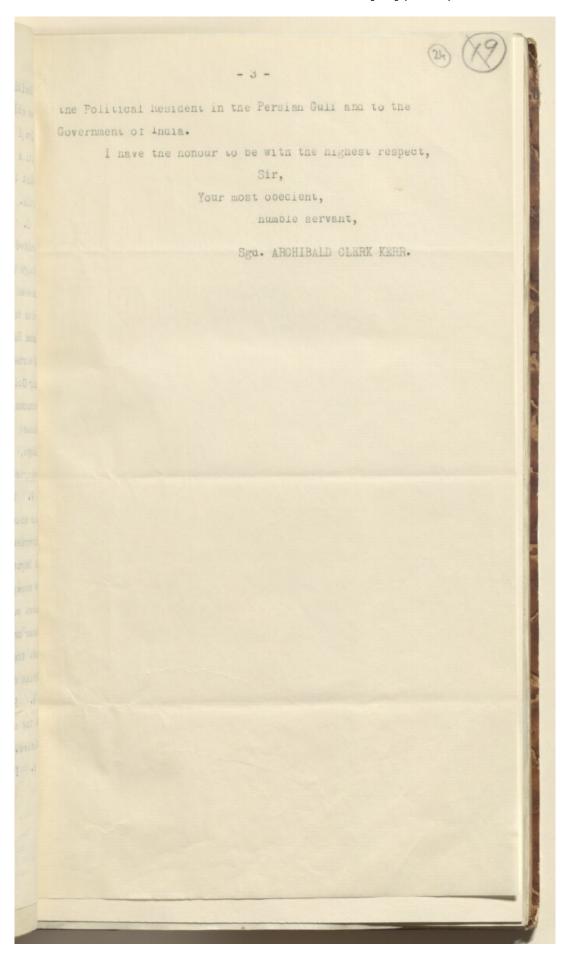
- 7. Mr. Drower is at a loss to understand the purpose of the note from the Ministry of april 9th, unless it may be regarded as the prelude to an instruction to the Land Registry in Bagdad to the effect that the Power of Attorney is not to be accepted without the Ministry's approval. He adds that there would be no legal justification for such a step. On the other hand, as you are aware, the Government feel very strongly that the privilege which is now being claimed on behalf of the Shaikh of Kuwait is one sided and unfair.
- 6. Pending your instructions I will take no action in regard to the note of April 9th from the Ministry of Foreign Affairs.
  - 9. I am sending copies of this despatch to the Honourable





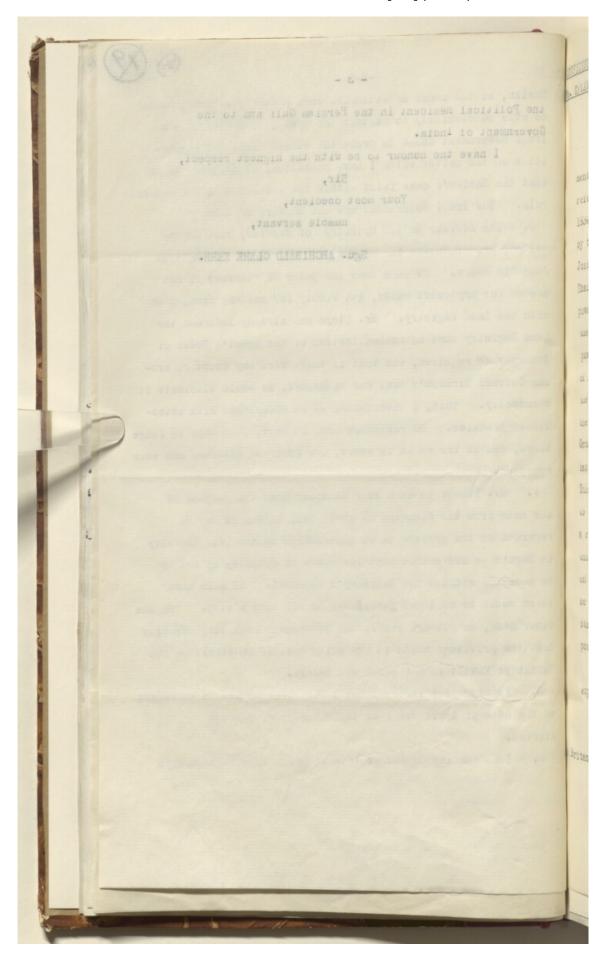


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# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [24v] (53/412)



### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [25r] (54/412)



ONFIDENTIAL.





Ministry for Foreign Affairs, Bagdad, 22nd January, 1935.

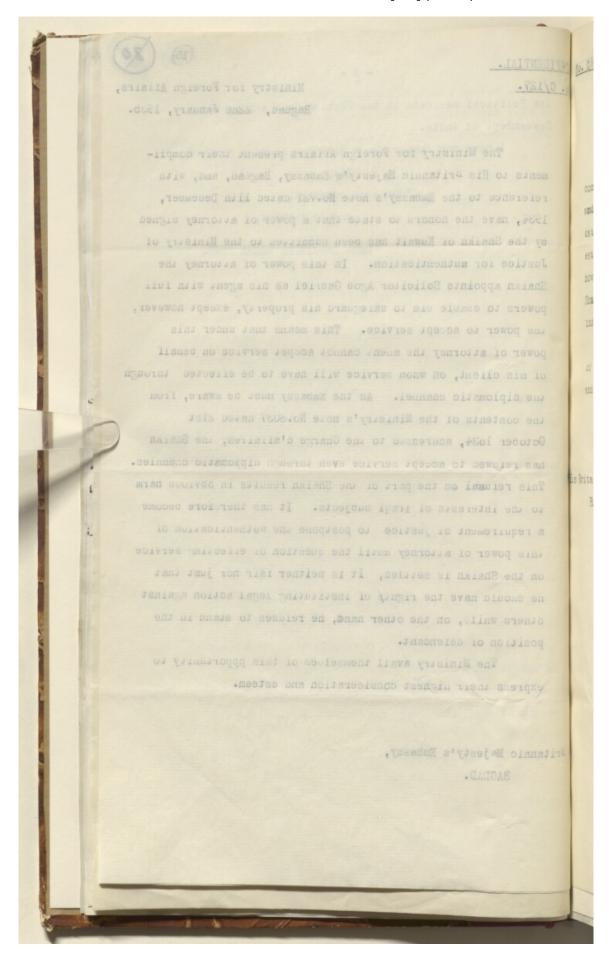
The Ministry for Foreign Affairs present their compliments to His Britannic Majesty's Embassy, Bagcad, and, with reference to the Embassy's note No. /21 dated lith December, 1934, nave the honoru to state that a power of attorney signed by the Shaikh of Kuwait has been submitted to the Ministry of Justice for authentication. In this power of attorney the Sharkn appoints Solicitor Agoo Gabriel as his agent with full powers to evalue vim to saleguard his property, except nowever, the power to accept service. This means that under this power of attorney the ament cannot accept service on benaif of his client, on whom service will have to be effected through the diplomatic channel. As the Embassy must be aware, from the contents of the Ministry's note No. 8037 dated 21st October 1034, addressed to the Charge d'affaires, the Shaikh has reluwed to accept service even through diplomatic channiles. This refusal on the part of the Shaikh results in obvious narm to the interests of fraqi subjects. It has therefore become a requirement of justice to postpone the authentication of this power of attorney until the question of effecting service on the Sharkn is settled, It is neither fair nor just that ne should have the rights of instituting legal action against others while, on the other hand, he refuses to stand in the position of defendant.

The Ministry avail themselves of this ppportunity to express their highest consideration and esteem.

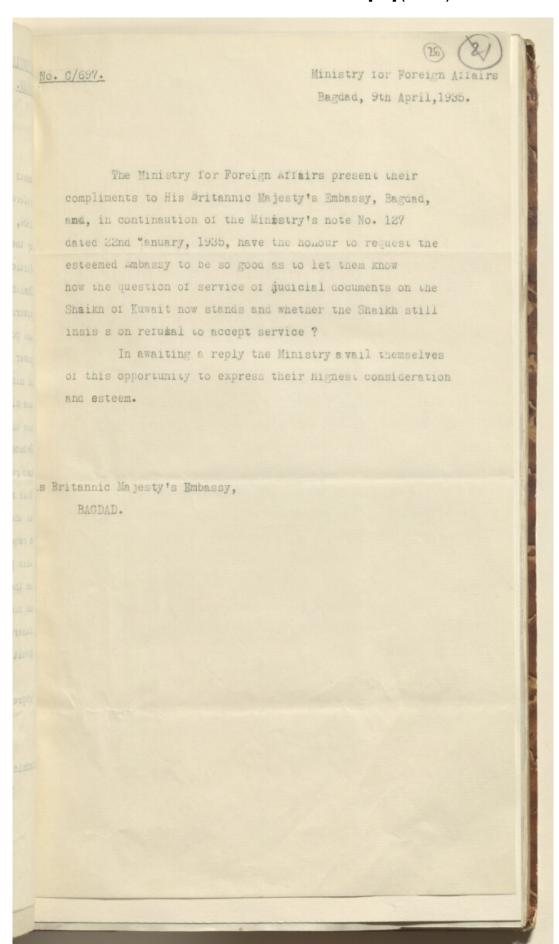
Britannic Majesty's Embassy, BAGDAD.



### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [25v] (55/412)

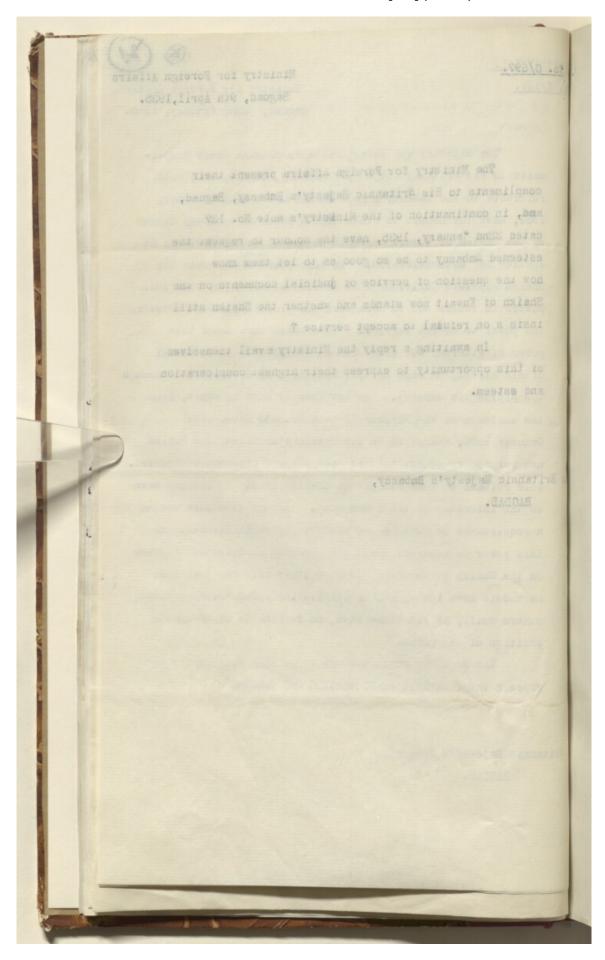


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [26r] (56/412)



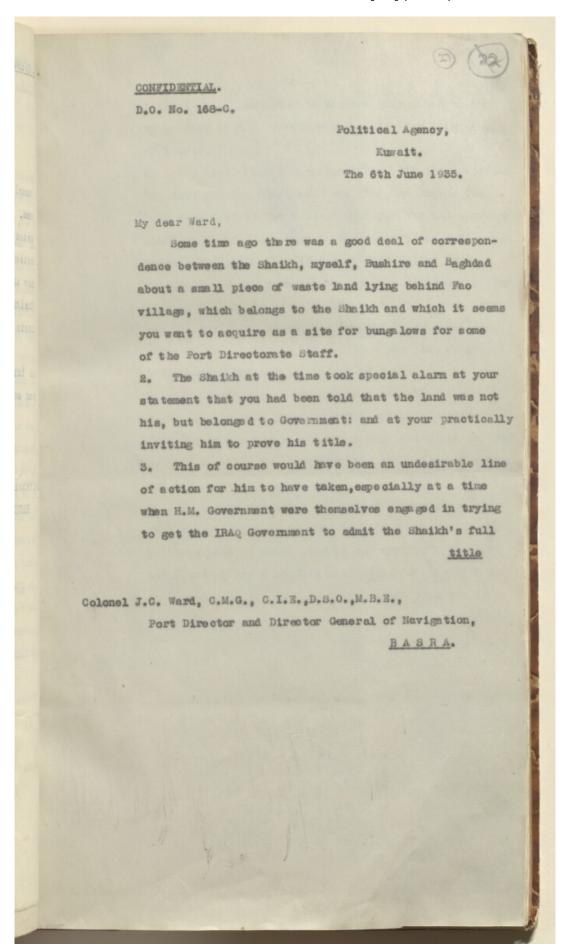


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [26v] (57/412)



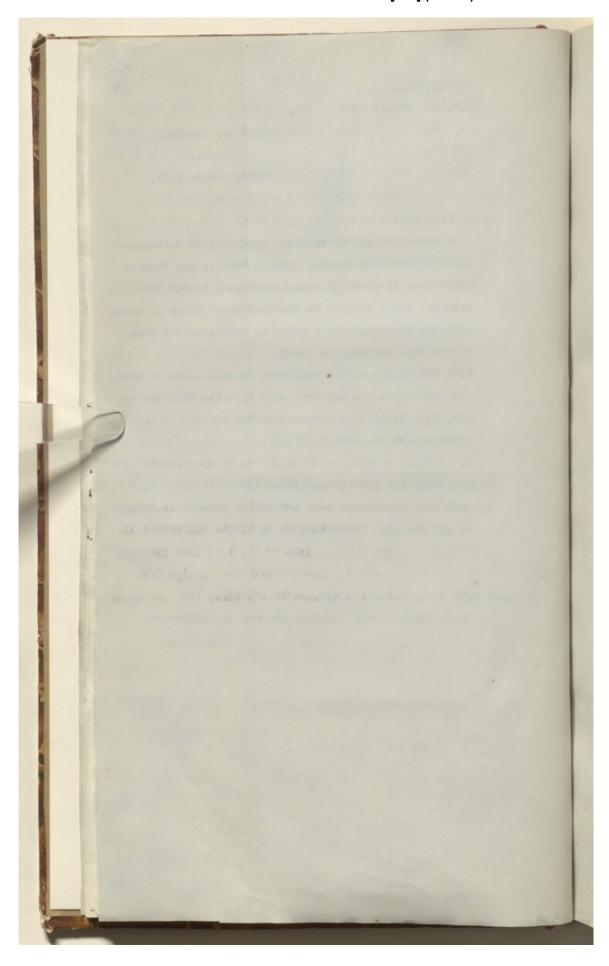
















title to his 5 exempt Date Gardens guaranteed to him
by promise of H.M. Government in 1914 (Fao being one
of these).

4. The line which I took therefore with the Political
Resident and the Ambassador was that the Shaikh had
been very hurt at the thought that you had not approach

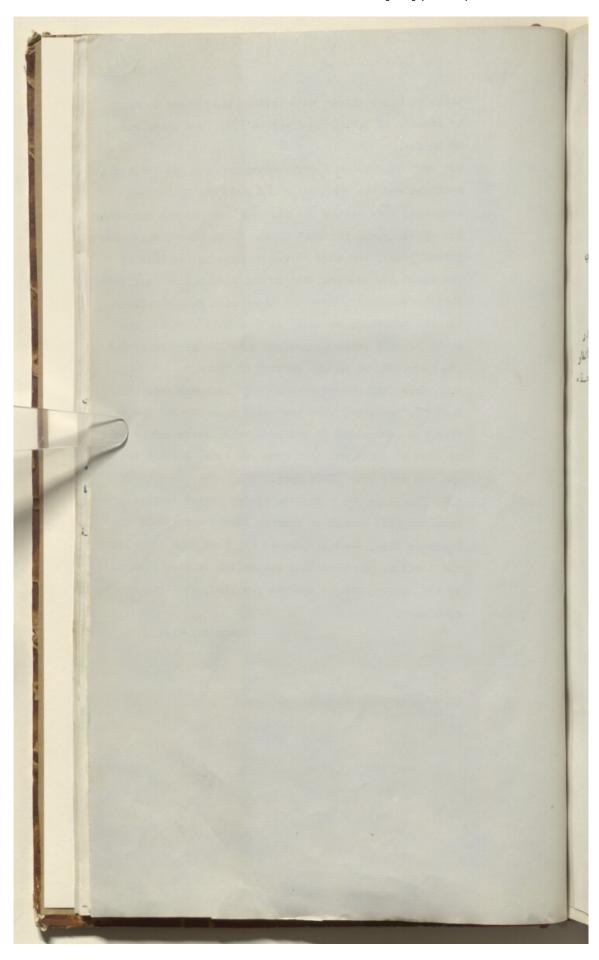
- Resident and the Ambassador was that the Shaikh had been very hurt at the thought that you had not approached him direct about the land in the first place, (which was indeed true), and that it was my firm belief that if you could now see your way to rum down and see him (the Shaikh) personally or write him a nice letter explaining the position, he would be genuinely grateful and would be very ready to let you have the plot of ground you required and on the easiest of terms.
- 5. Fowle who passed through here recently from Baghdad, mentioned that you would probably get the tip from the Ambassador to act on my suggestion and he told me that if I did not hear from you soon, I could write and ask what your plans were.
- that you will decide to come to Kuwait and settle the business here, I would like to say that both the wife and I extend you a cordial invitation to stay with us in the Agency, for as long as you like, when you do we come down.

Yours sincerely,



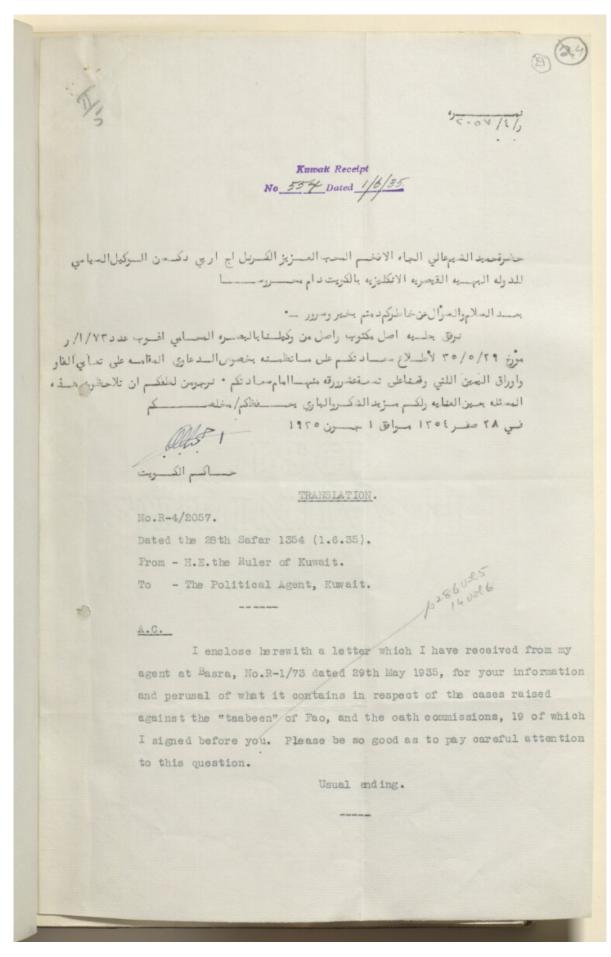






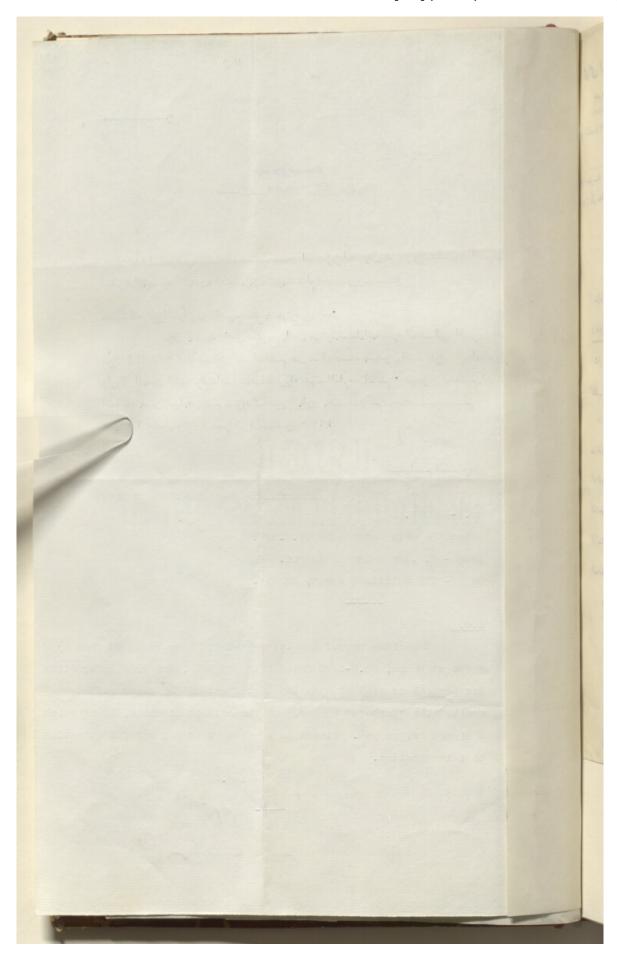
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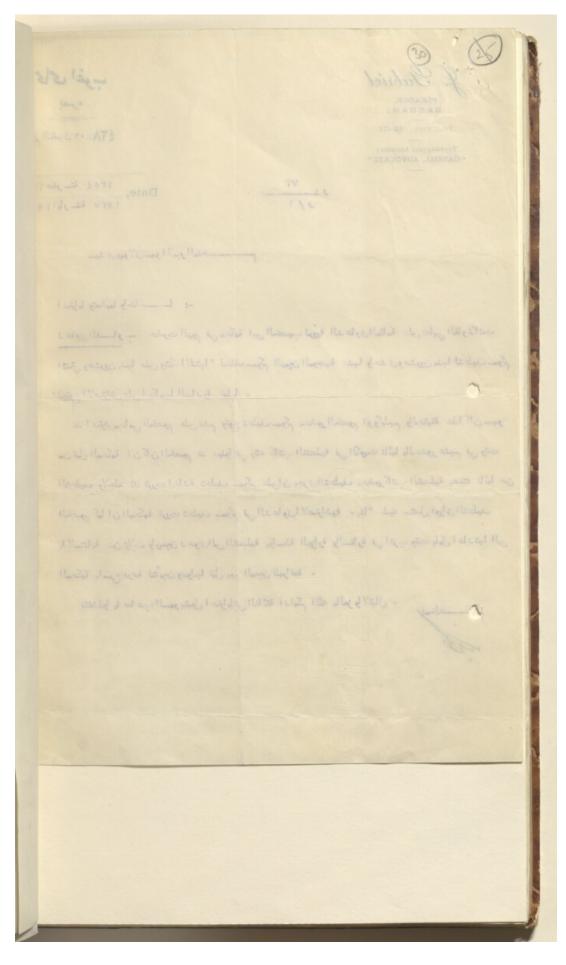






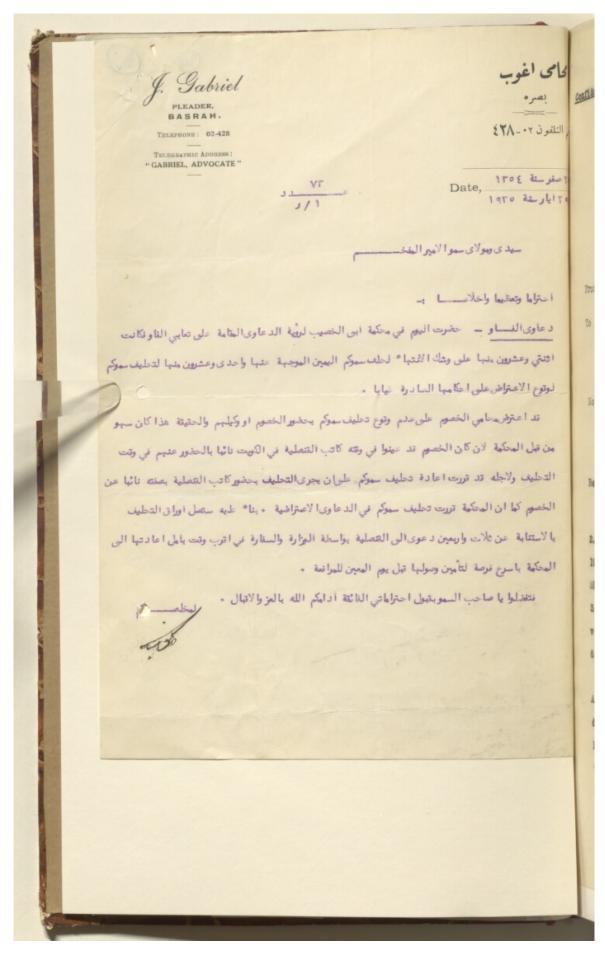






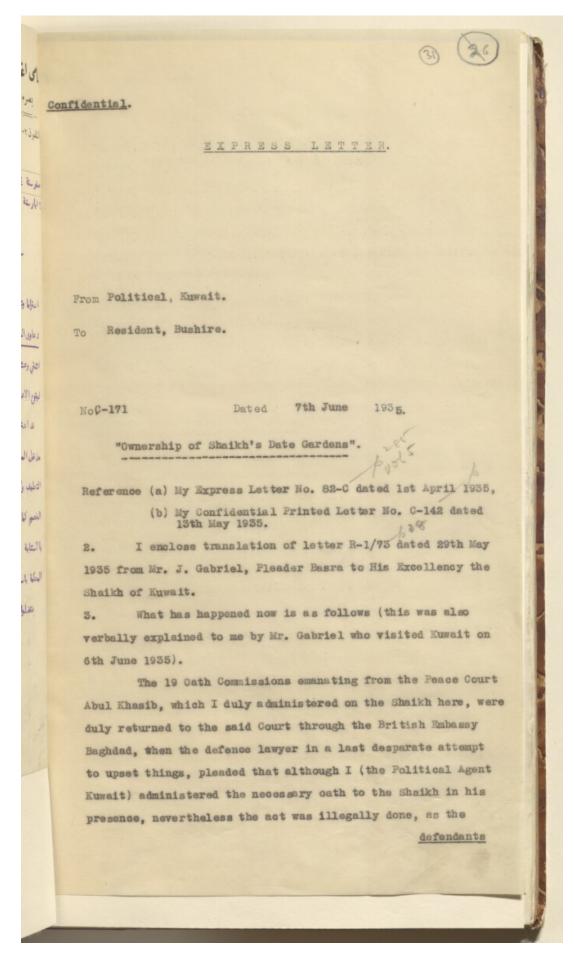






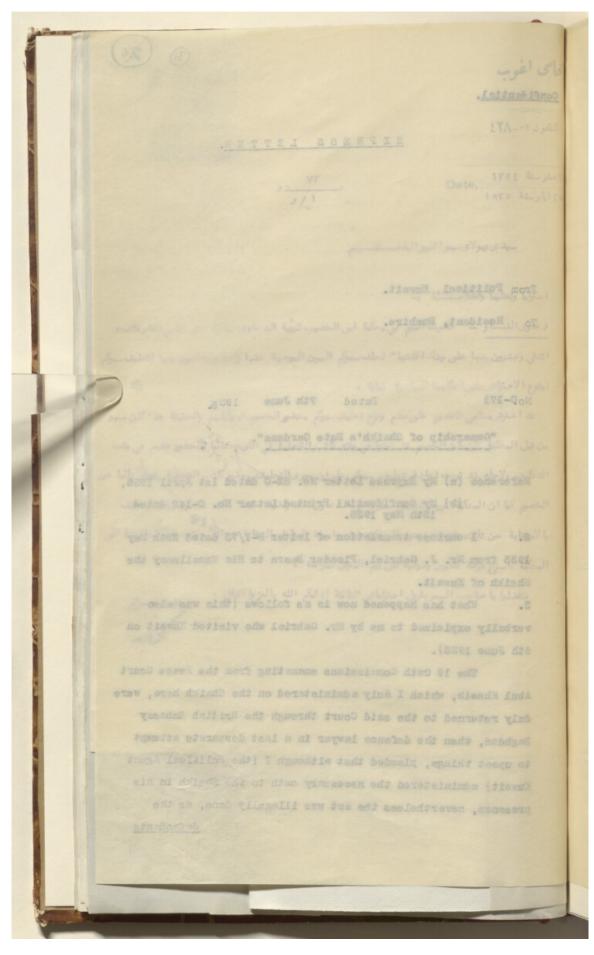






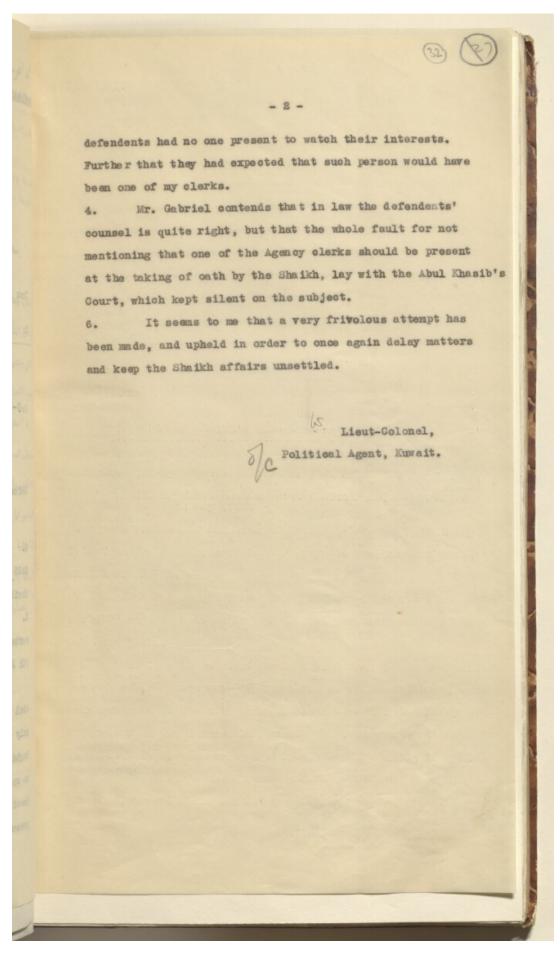






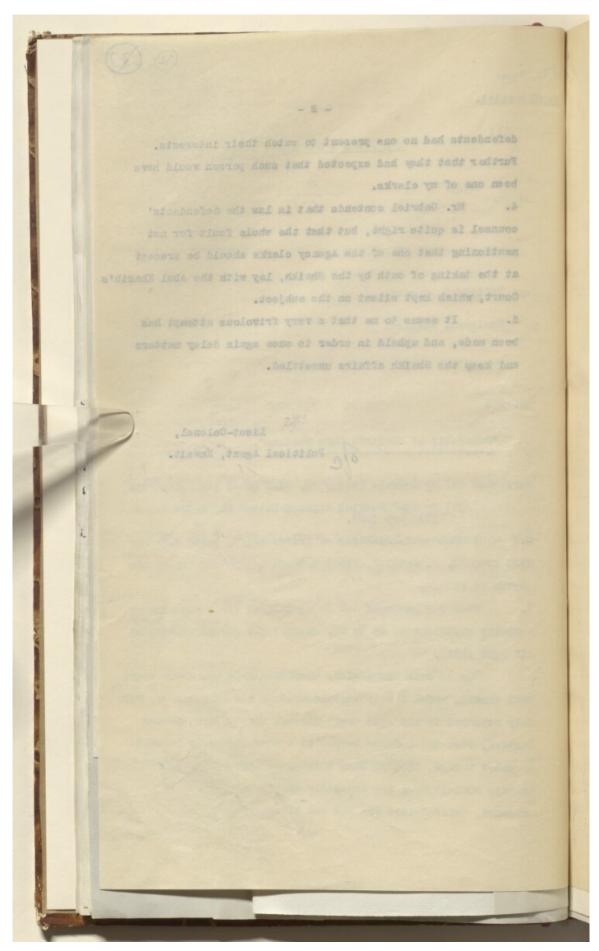
# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [32r] (68/412)







# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [32v] (69/412)



### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [33r] (70/412)







Translation of a letter No.R-1/73, dated the 25th Safar 1354, corresponding to the 29th May 1935, from Mr. J.Gabriel, Pleader, Basra, to His Excellency the Ruler of Kuwait.

After compliments,

FAO CASES.

Today I appeared in the Court of Abul Khasib
to attend on the cases raised against the "taabeen"
(tenants with permanent holdings) of Fao. The situation
of these was as follows: 22 cases were nearing conclusion,
oaths on account of which having been taken by Your
Excellency; and 21 cases were ready for Your Excellency to
take oath, protests having been made against their judgements passed in default.

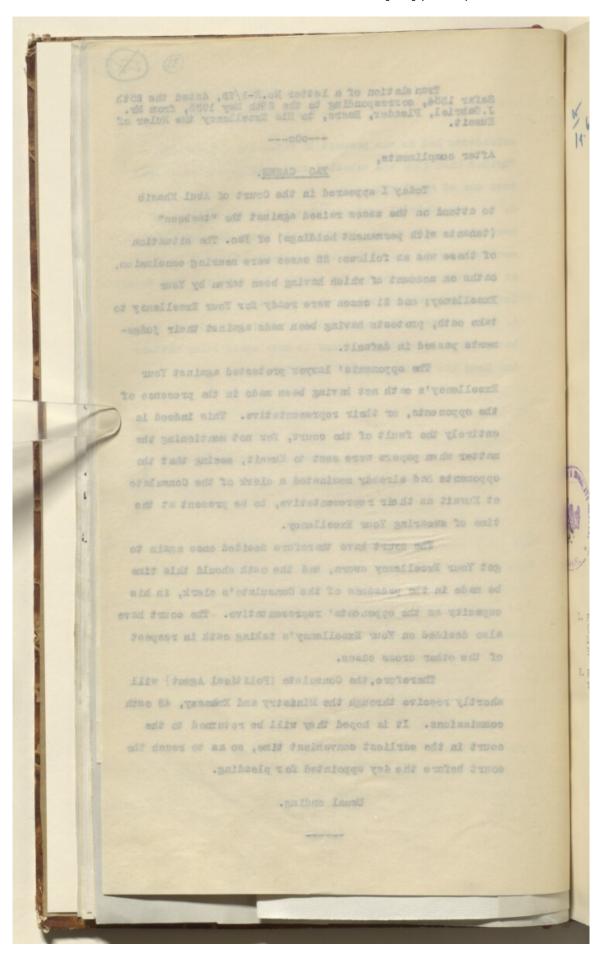
The opponents' lawyer protested against Your Excellency's oath not having been made in the presence of the opponents, or their representative. This indeed is entirely the fault of the court, for not mentioning the matter when papers were sent to Kuwait, seeing that the opponents had already nominated a clerk of the Consulate at Kuwait as their representative, to be present at the time of swearing Your Excellency.

The court have therefore decided once again to get Your Excellency sworn, and the oath should this time be made in the presence of the Consulate's clerk, in his capacity as the opponents' representative. The court have also decided on Your Excellency's taking oath in respect of the other cross cases.

Therefore, the Consulate (Political Agent) will shortly receive through the Ministry and Embassy, 43 oath commissions. It is hoped they will be returned to the court in the earliest convenient time, so as to reach the court before the day appointed for pleading.

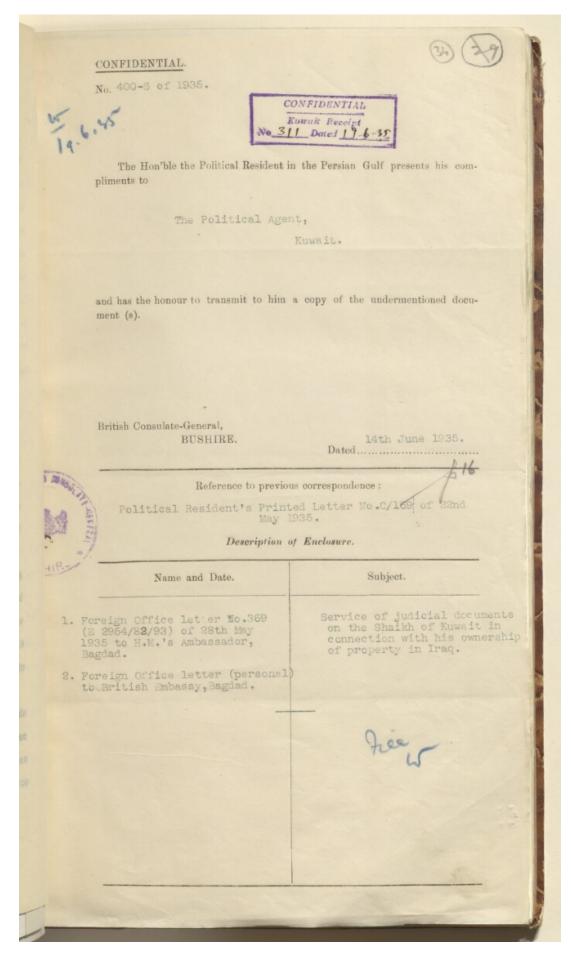
Usual ending.

### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [33v] (71/412)



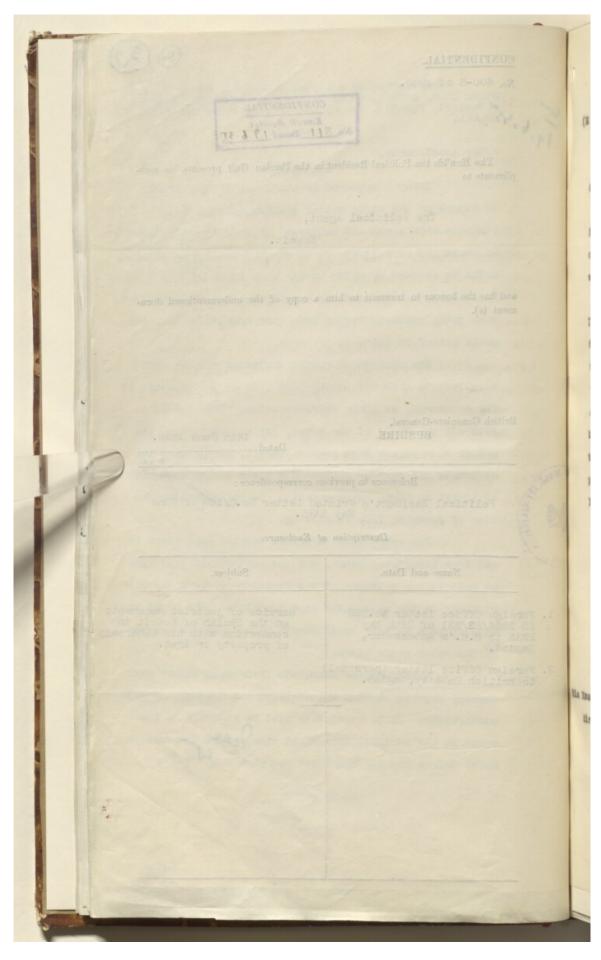
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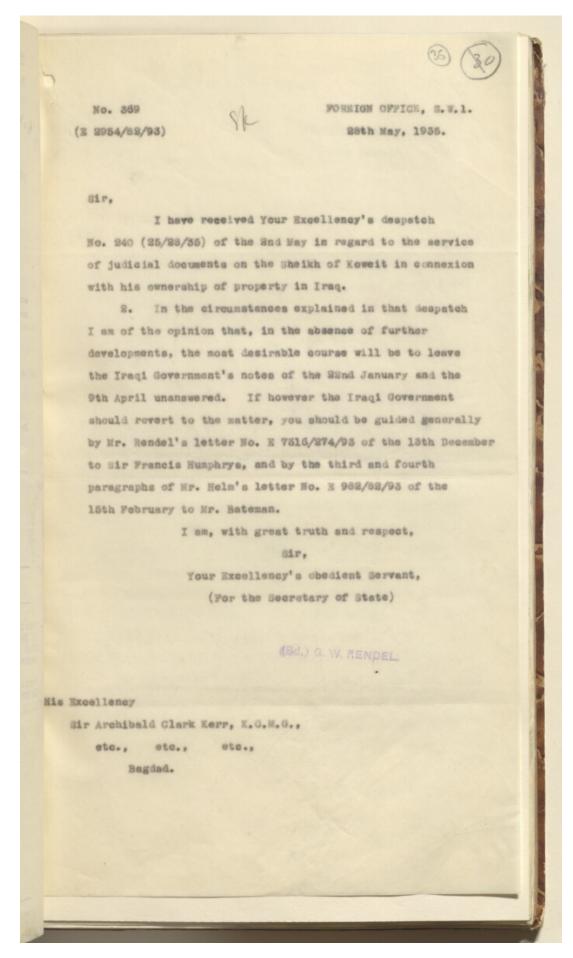






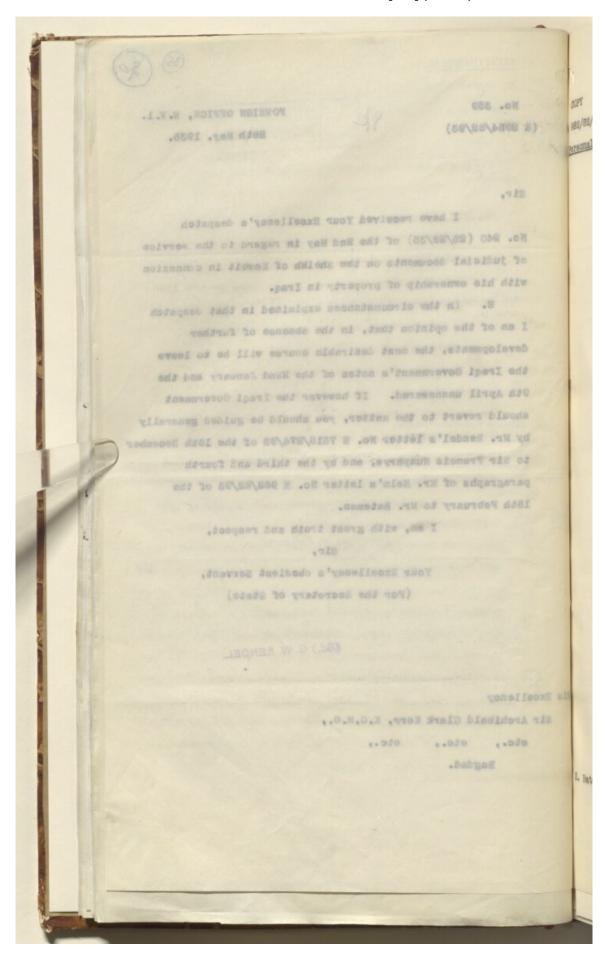






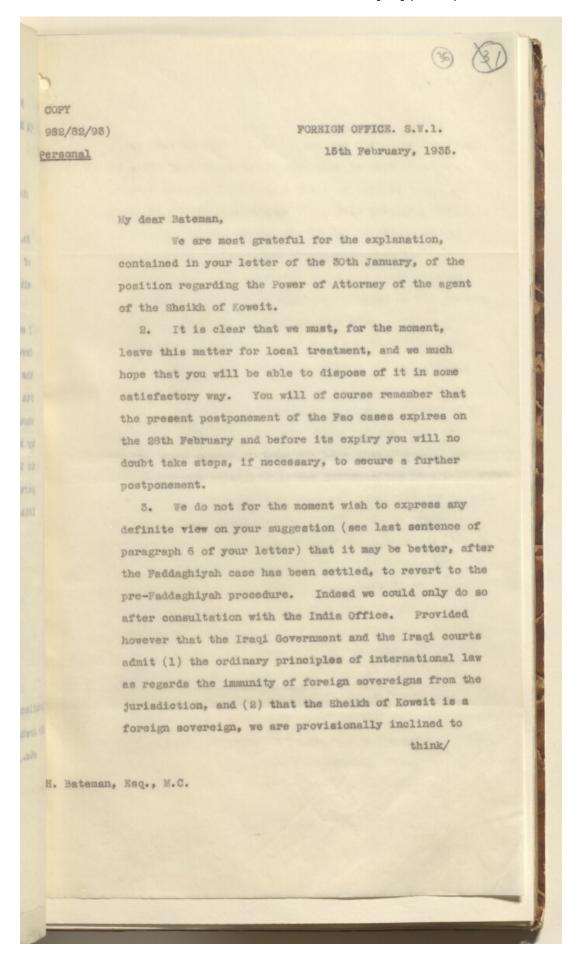


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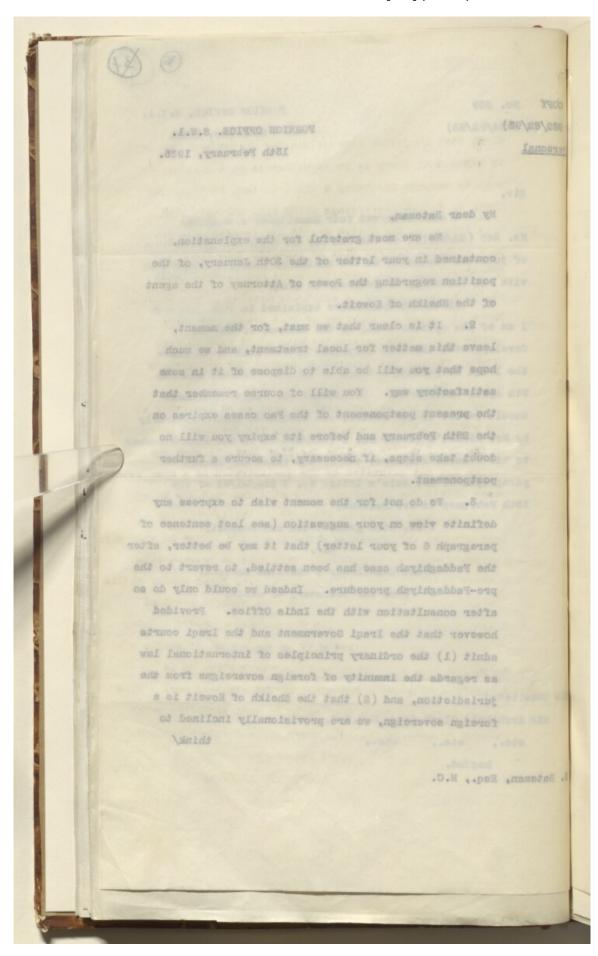






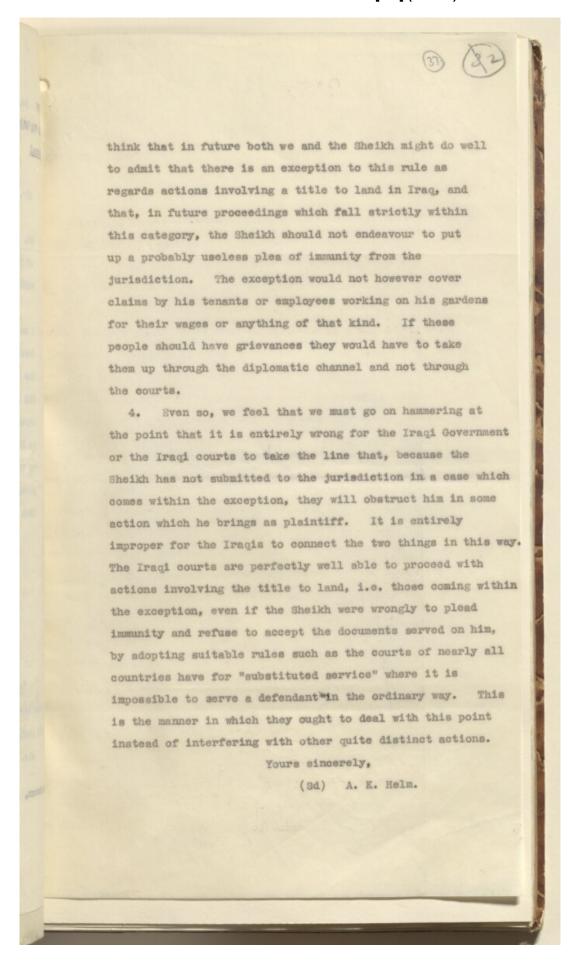


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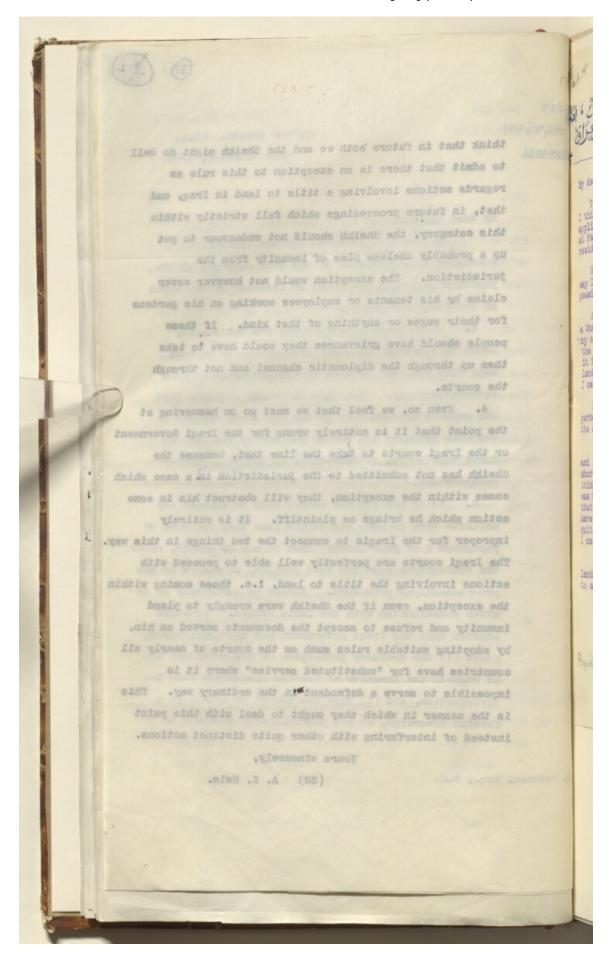






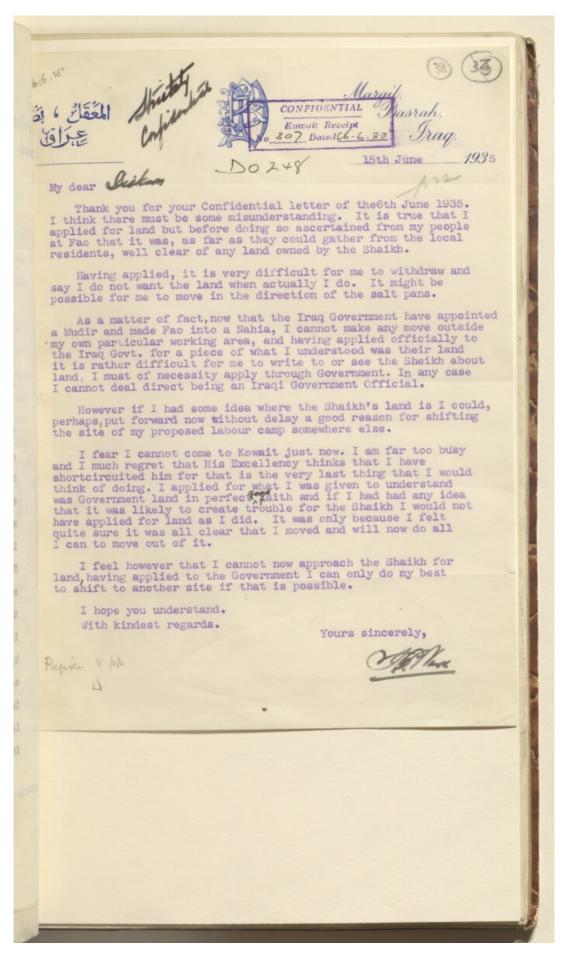


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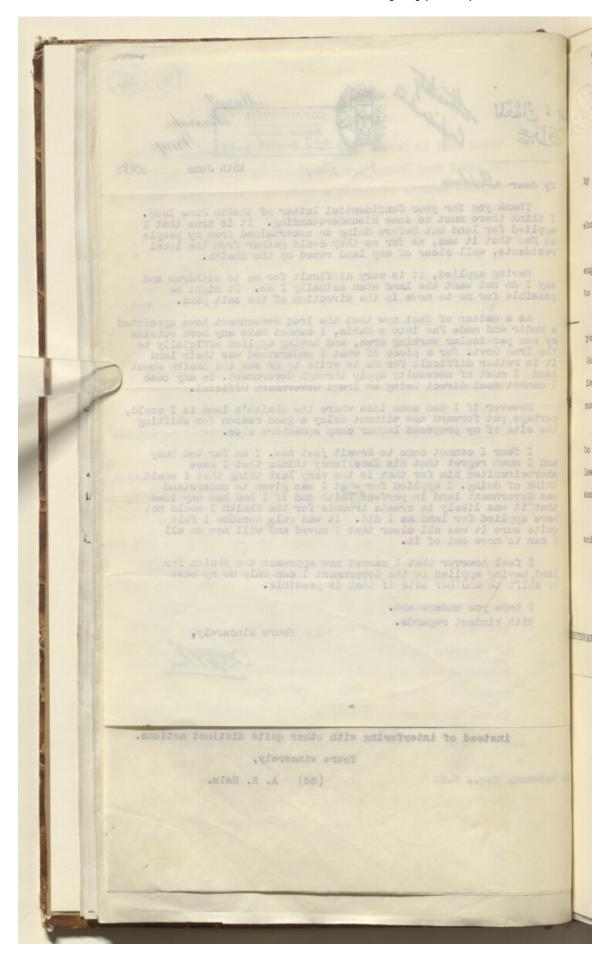
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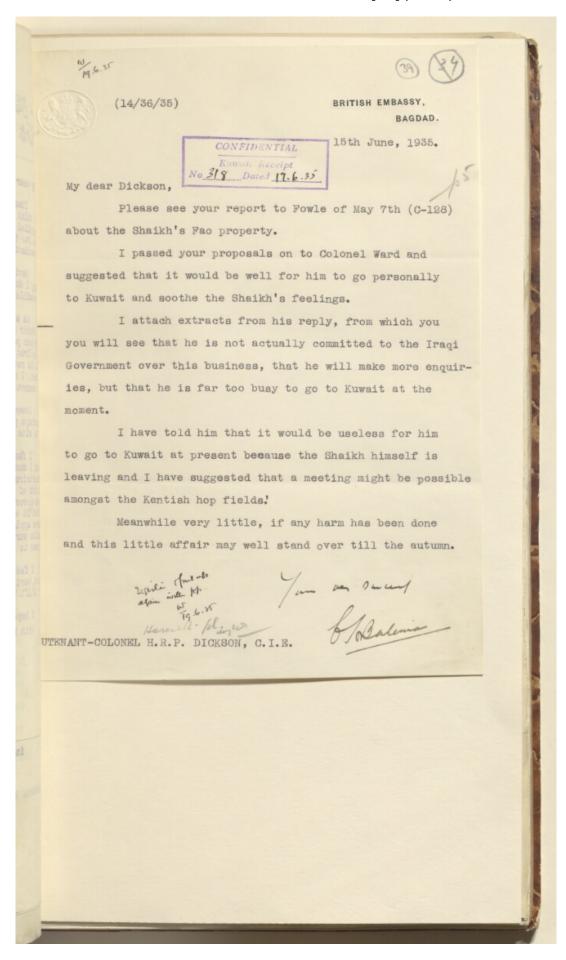


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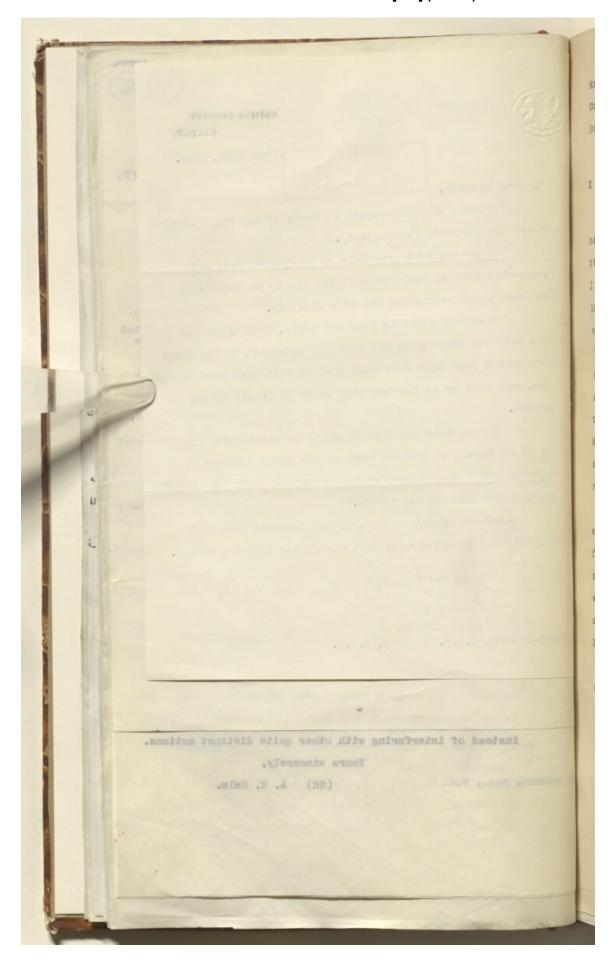
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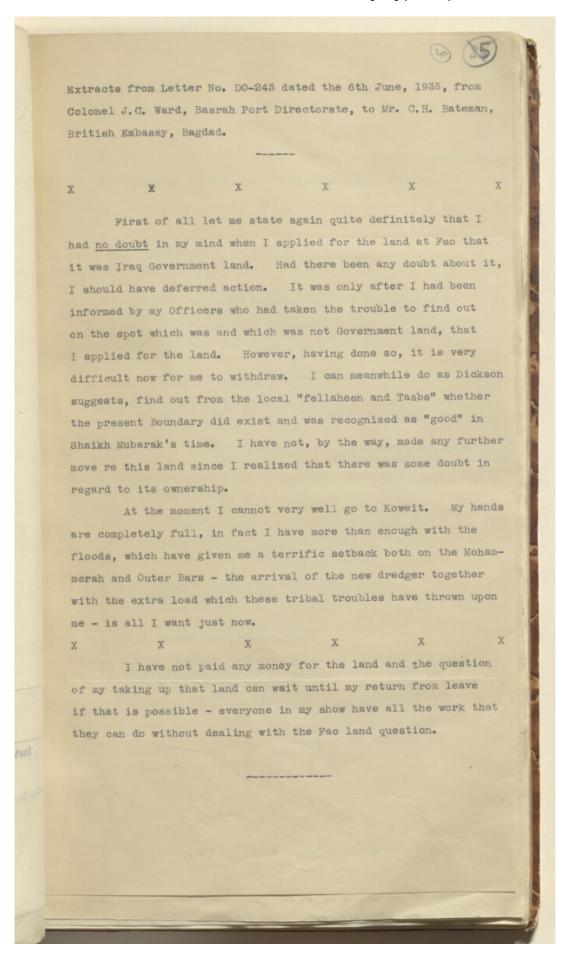






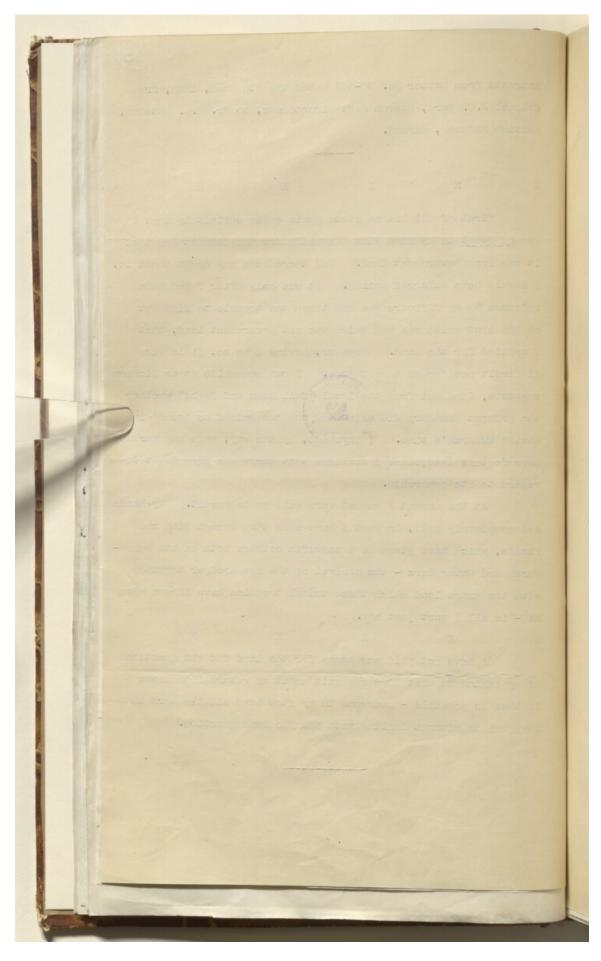
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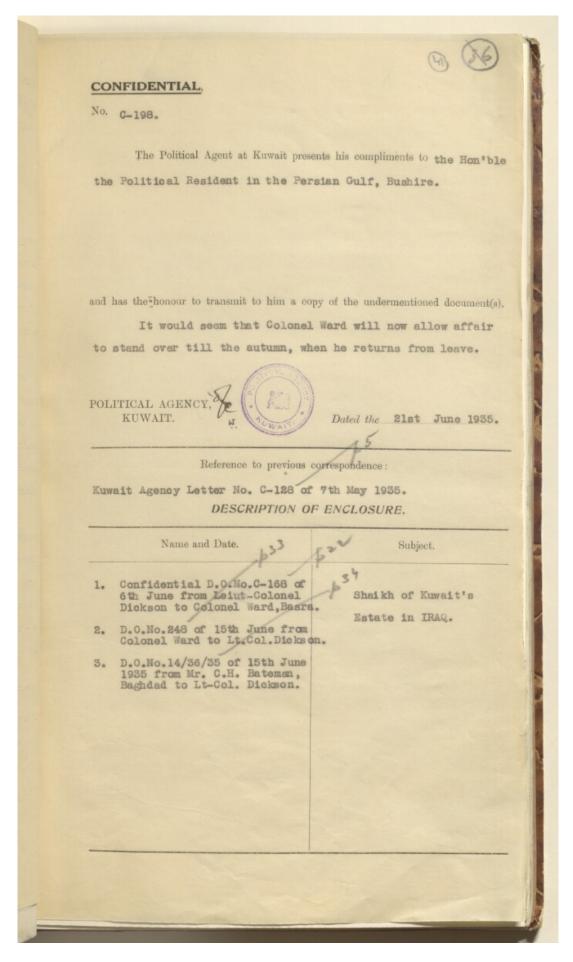






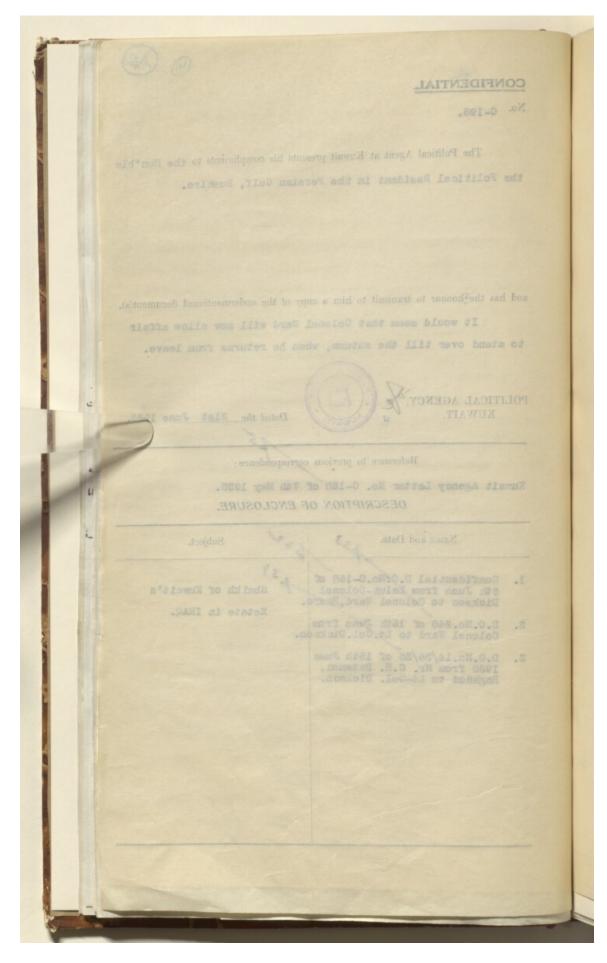






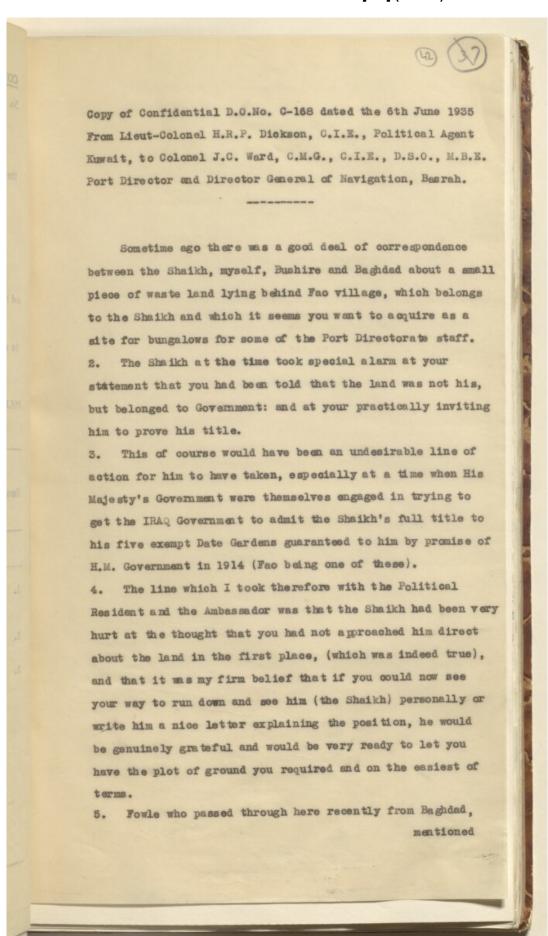






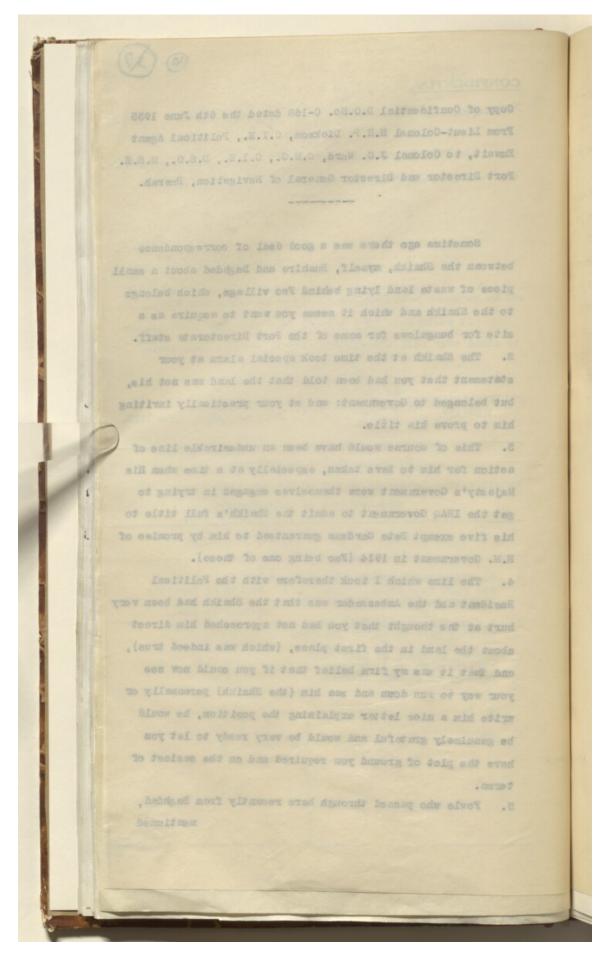
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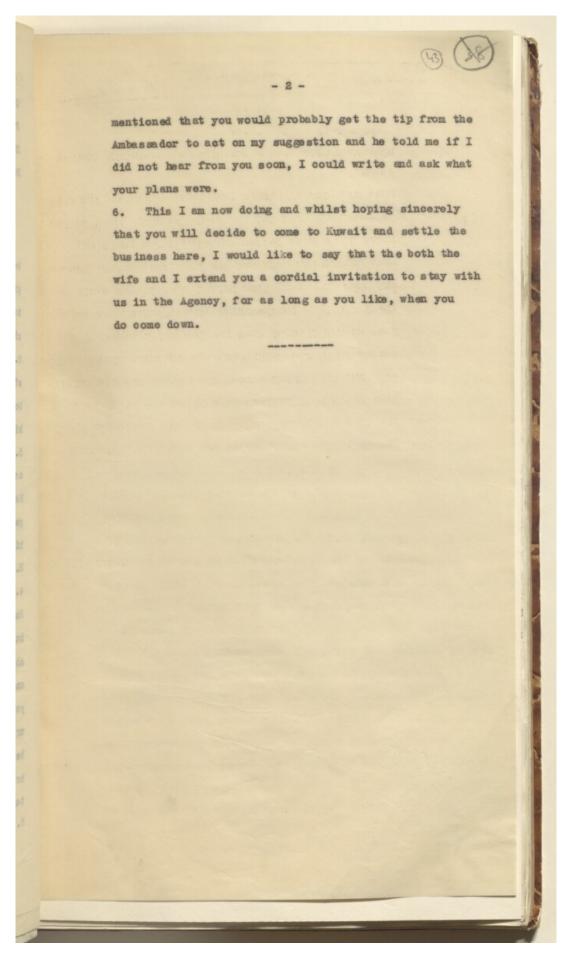






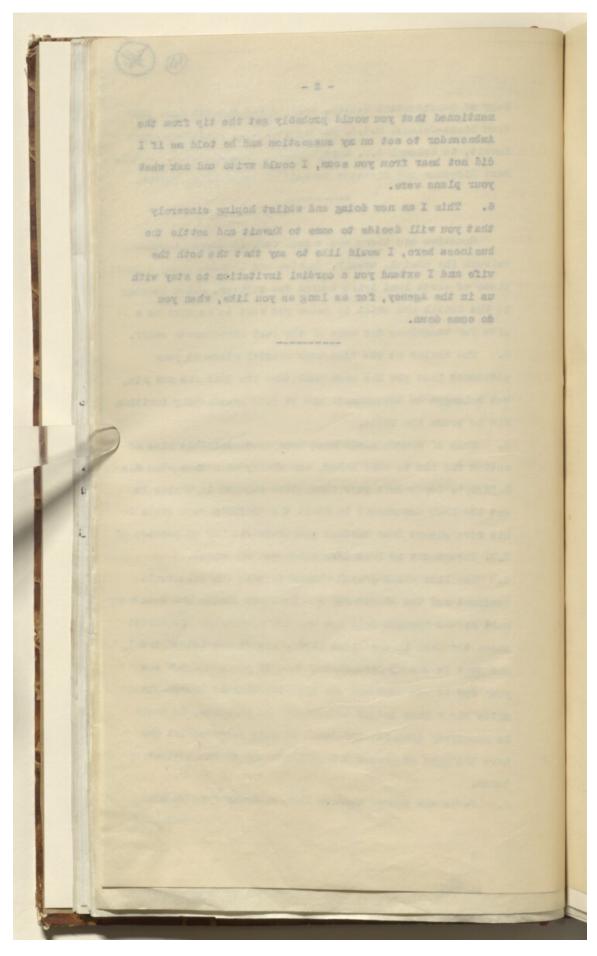












## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [44r] (92/412)



ad 15th Tune 1055

Copy of Confidential D.O. No. 248 dated 15th June 1935 from Colonel J.C. Ward, Basrah to Lieut. Colonel H.R.P. Dickson, Kuwait.

Thank you for your Confidential letter of the 6th June 1935. I think there must be some misunderstanding. It is true that I applied for land but before doing so ascertained from my people at Fao that it was, as far as they could gather from the local residents, well clear of any land owned by the Shaikh.

Having applied, it is very difficult for me to withdraw and say I do not want the land when actually I do. It might be possible for me to move in the direction of the salt pans.

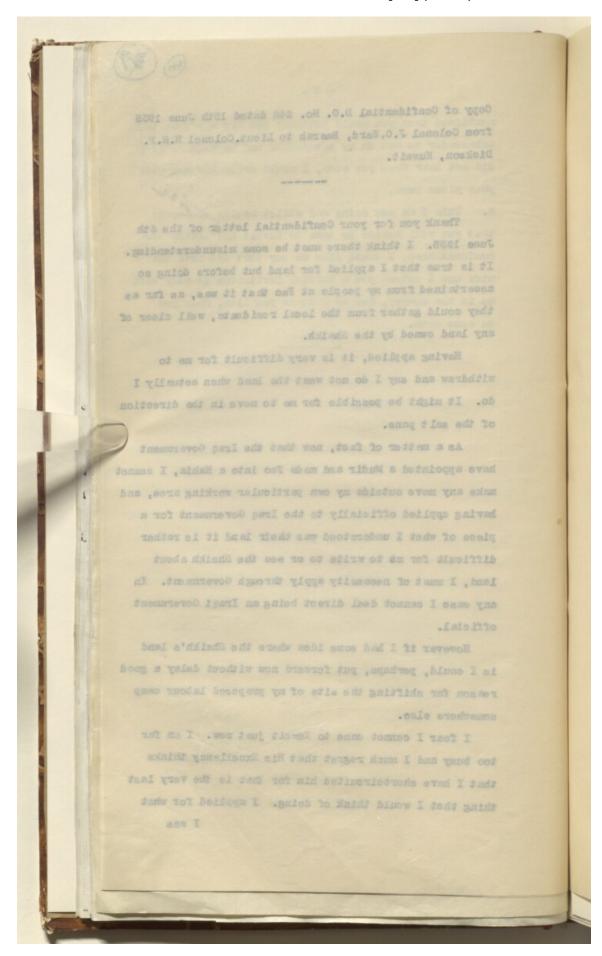
As a matter of fact, now that the Iraq Government have appointed a Mudir and made Fao into a Nahia, I cannot make any move outside my own particular working area, and having applied officially to the Iraq Government for a piece of what I understood was their land it is rather difficult for me to write to or see the Shaikh about land, I must of necessity apply through Government. In any case I cannot deal direct being an Iraqi Government official.

However if I had some idea where the Shaikh's land is I could, perhaps, put forward now without delay a good reason for shifting the site of my proposed labour camp somewhere else.

I fear I cannot come to Kuwait just now. I am far too busy and I much regret that His Excellency thinks that I have shortcircuited him for that is the very last thing that I would think of doing. I applied for what

I was

## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [44v] (93/412)

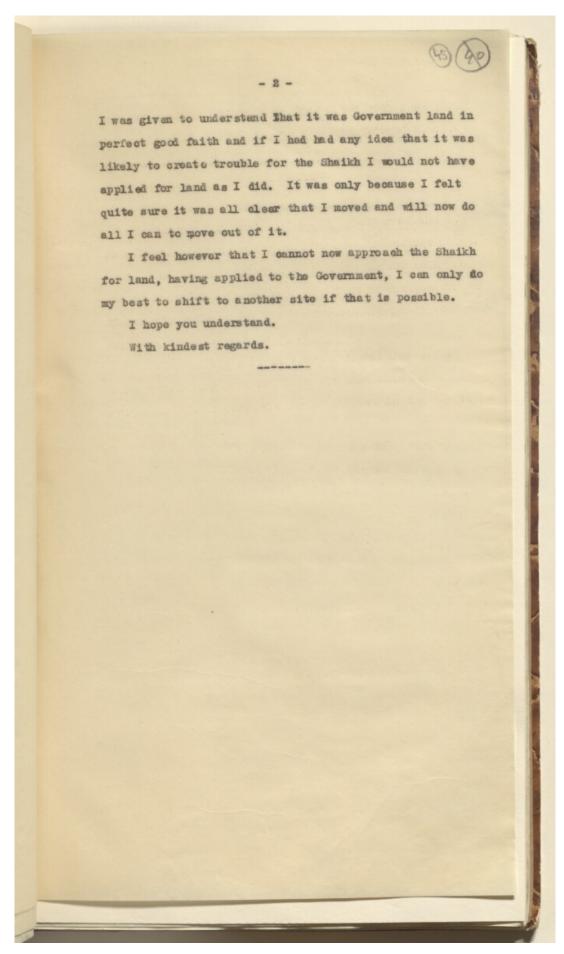


Reference: IOR/R/15/5/145. Copyright for this page: Unknown

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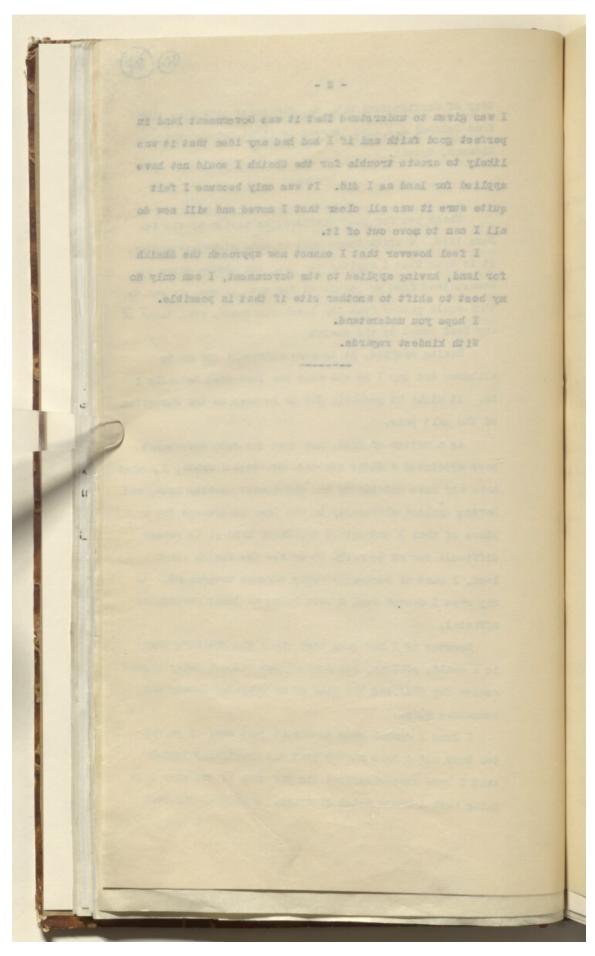
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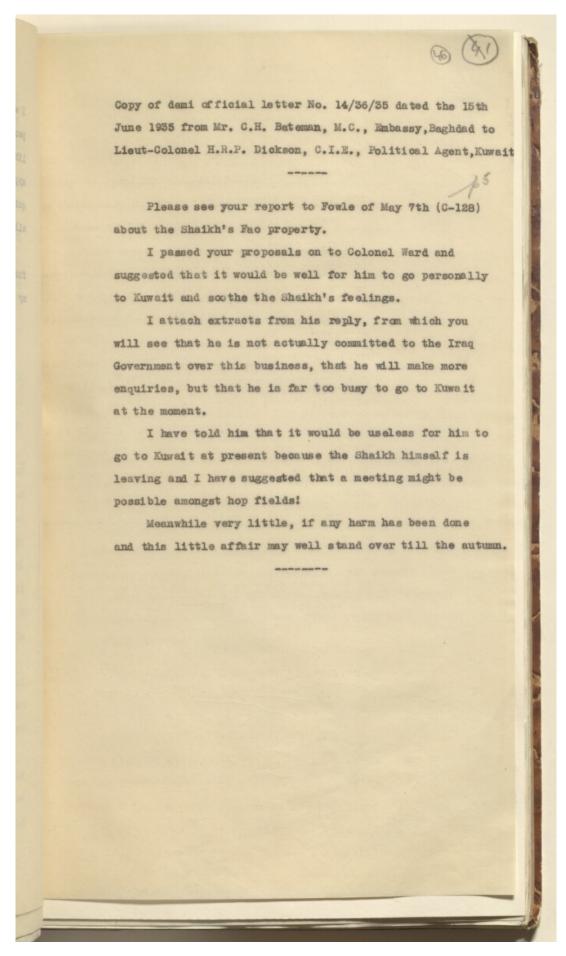






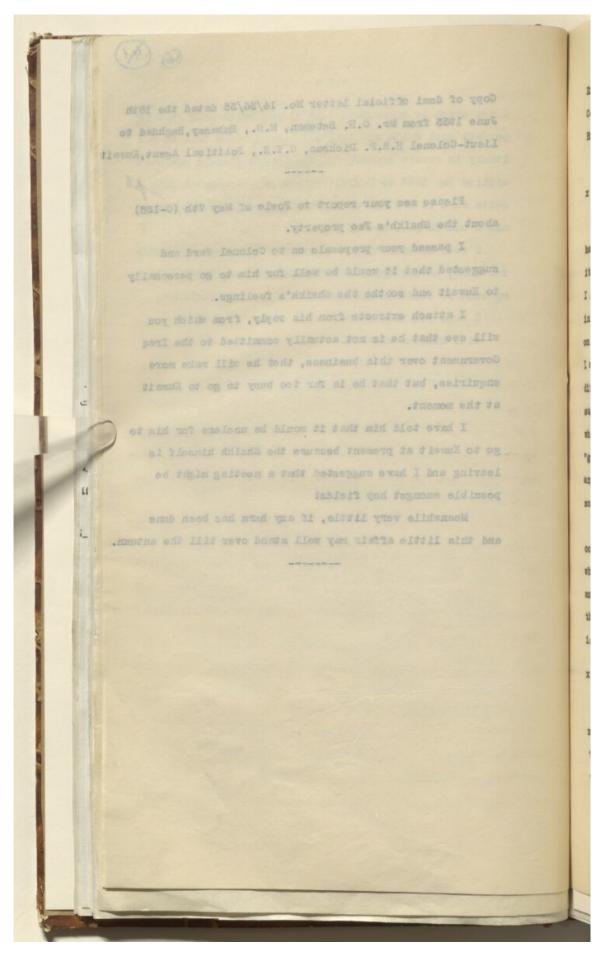
## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [46r] (96/412)











## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [47r] (98/412)





Extracts from Letter No. D.O.-243 dated the 6th June, 1935, from Colonel J.C. Ward, Basrah Port Directorate, to Mr. C.H. Bateman, British Embassy, Baghdad.

## . . . . . . . . . . .

First of all let me state again quite definitely that I had no doubt in my mind when I applied for the land at Fao that it was Iraq Government land. Had there been any doubt about it, I should have deferred action. It was only after I had been informed by my Officers who had taken the trouble to find out on the spot which was and which was not Government land, that I applied for the land. However, having done so, it is very difficult for me to withdraw. I can meanwhile do as Dickson suggests, find out from the local "fallaheen and Taabs" whether the present boundary did exist and was recognised as "good" in Shaikh Mubarak's time. I have not, by the way, made any further move re this land since I realized that there was some doubt in regard to its ownership.

At the moment I cannot very well go to Kuwait, My hand are completely full, in fact I have more than enough with the floods, which have given me a terrific setback both on the Mohammerah and outer Bars - the arrival of the new dredger together with the extra load which these tribal troubles have thrown upon me - is all I want just now.

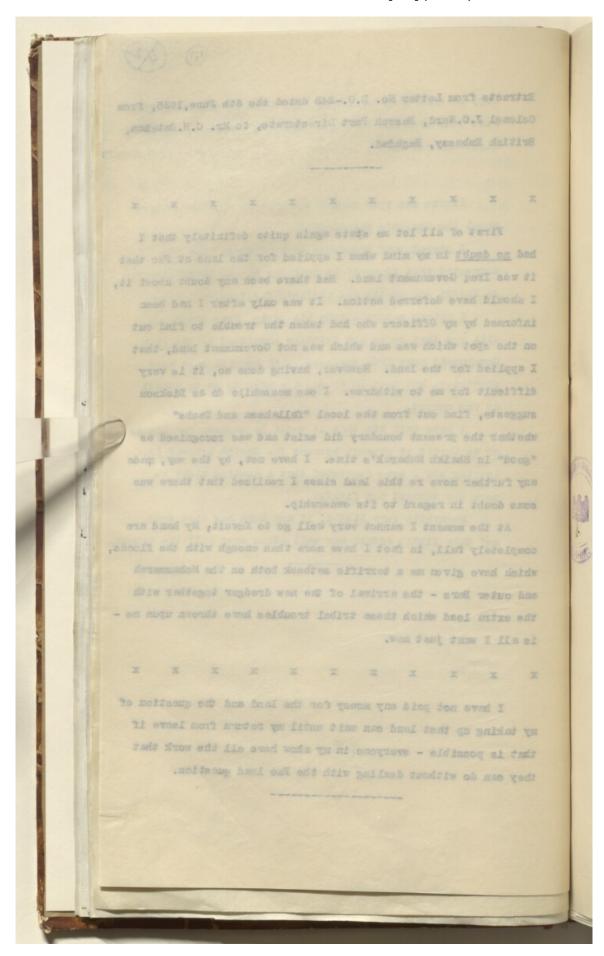
#### x x x x x x x x x x x

I have not paid any money for the land and the question of my taking up that land can wait until my return from leave if that is possible - everyone in my show have all the work that they can do without dealing with the Fao land question.

Reference: IOR/R/15/5/145. Copyright for this page: <u>Unknown</u>

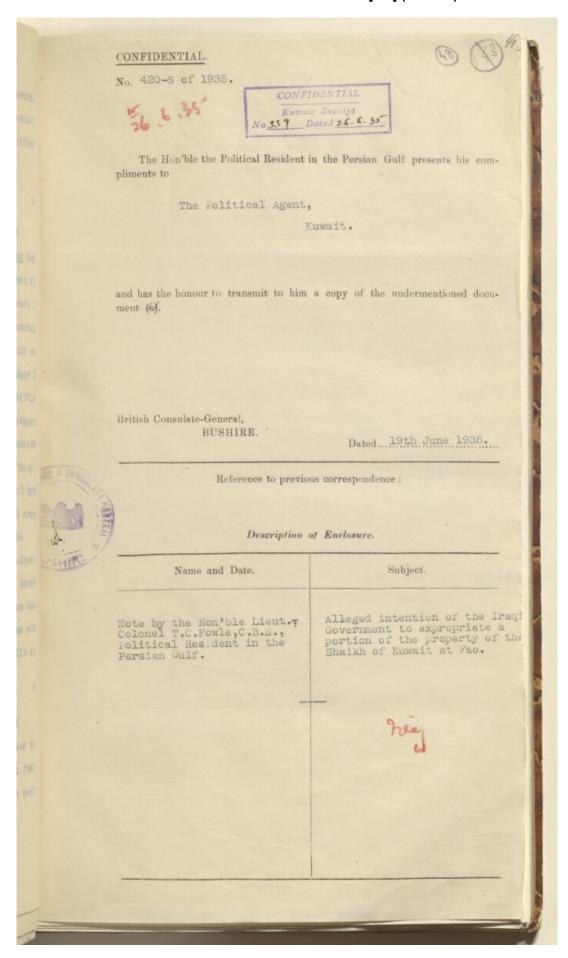


## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [47v] (99/412)



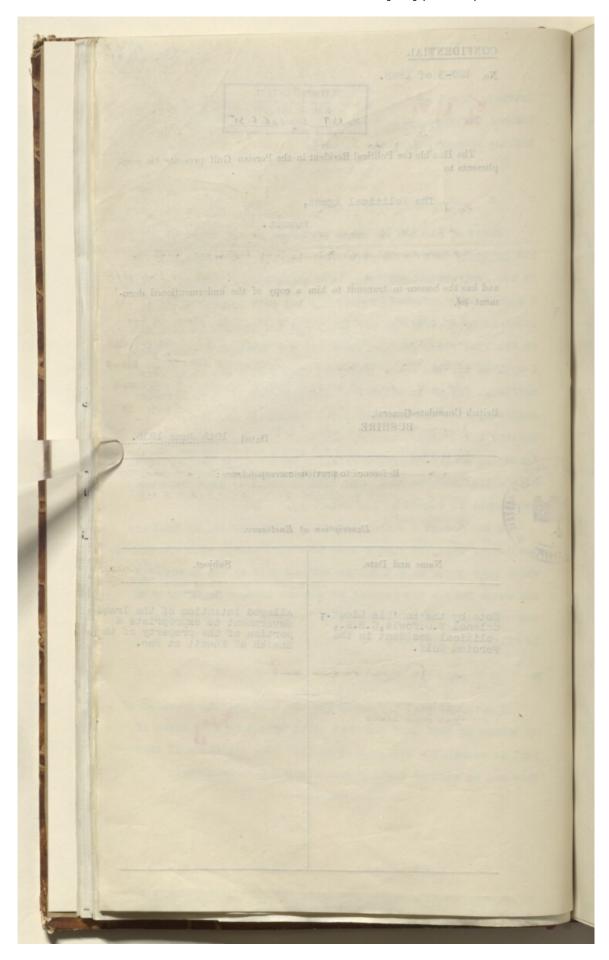


## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [48r] (100/412)





## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [48v] (101/412)



## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [49r] (102/412)





Reference Letter No.C-128 of 7th May 1935 from the Political Agent, Kuwait.

I discussed the question with Mr. Bateman the Secretary to the Embassy during my visit to Bagdad. We agreed that the best course to pursue would be for Mr. Bateman to write to Colonel Ward suggesting that the latter should pay Shaikh a visit, and come to some arrangement by which the Port Trust paid a nominal sum to the Shaikh by which the latter would be confirmed in his possession of the land in question. This, I understand, is the only question which is worrying the Shaikh since the land itself is of very little value. Mr. Bateman did so and to the best of my recollection informed me just before I left Bagdad that Colonel Ward had replied in a very friendly tone that he would go and see the I informed Colonel Dickson of this verbally during my visit to Kuwait but he should have a copy of this note.

> sa. T.C.Fowle, Lieut.-Colonel. Political Resident in the Persian Gulf.

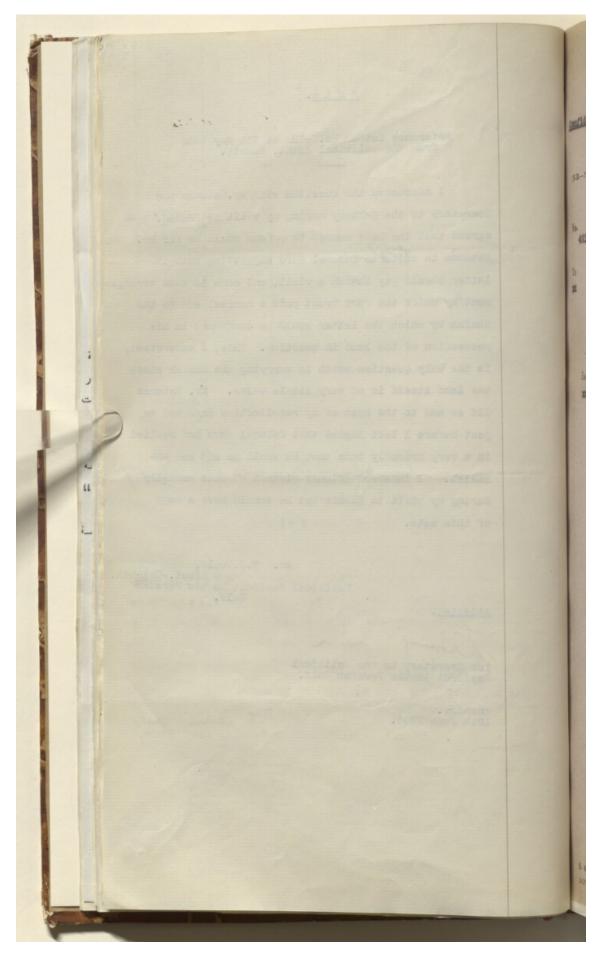
Attested.

for Secretary to the Political Resident in the Persian Gulf.

Bushire. 19th June 1935.

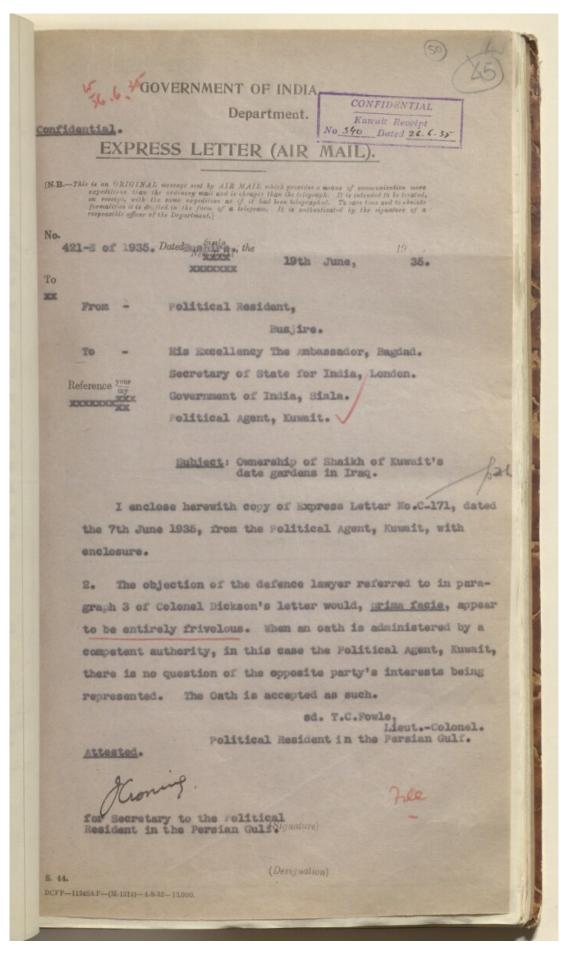






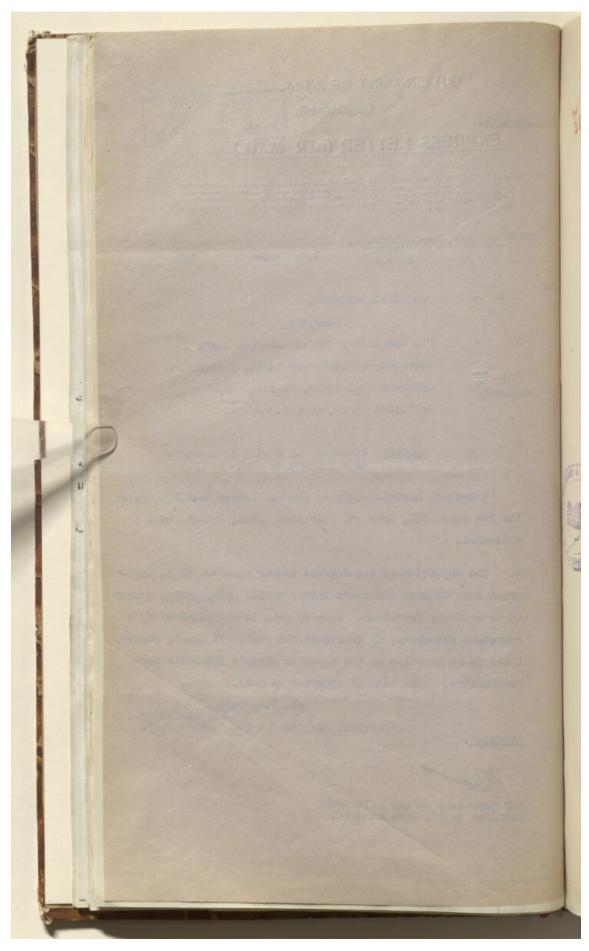
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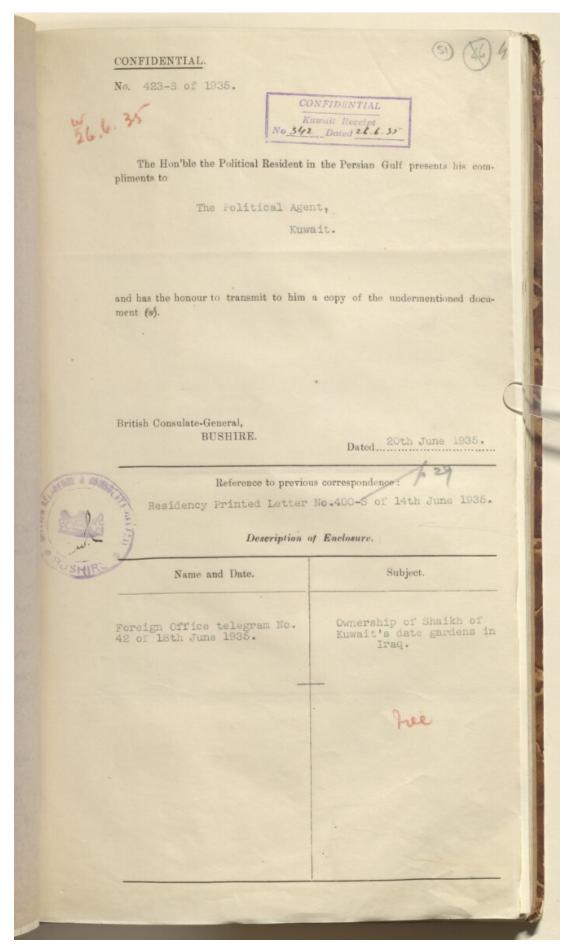






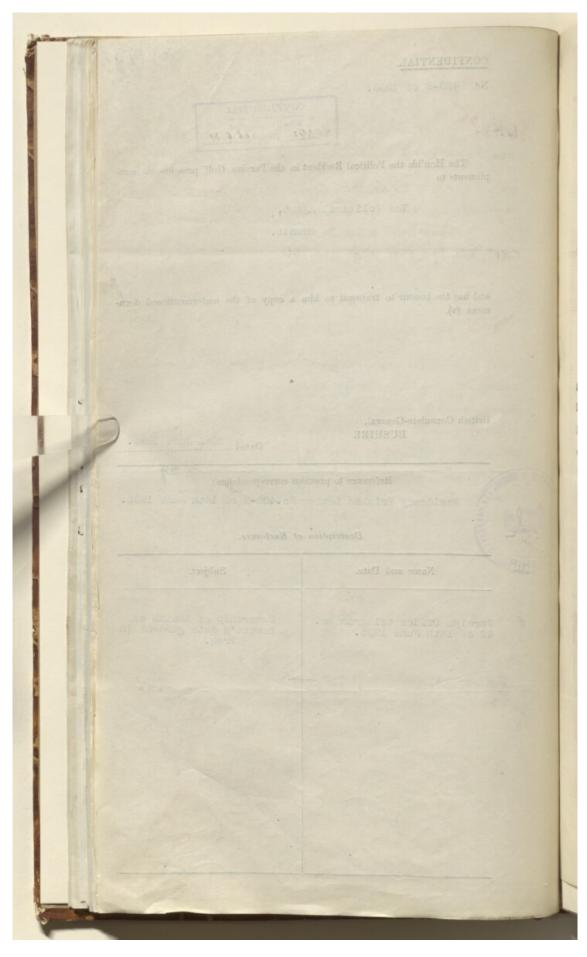
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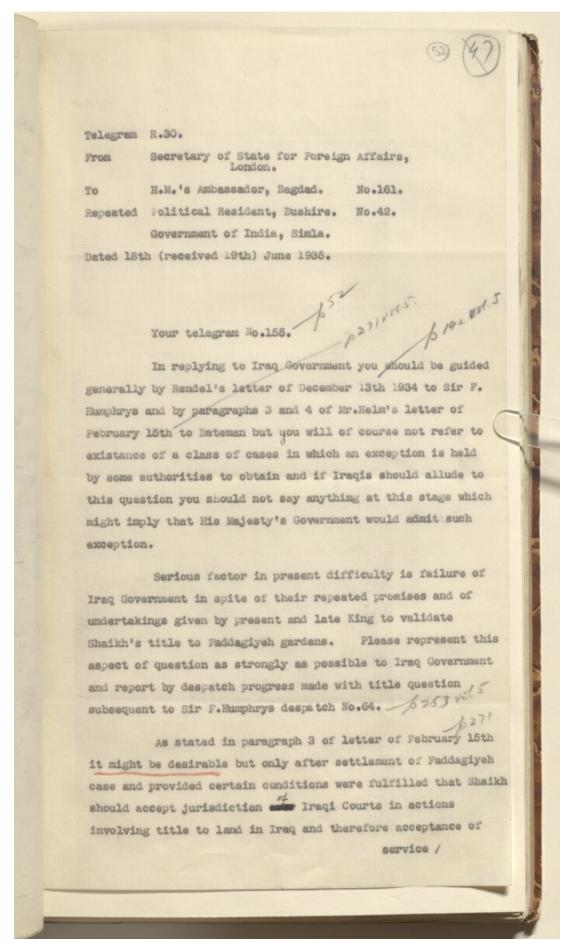






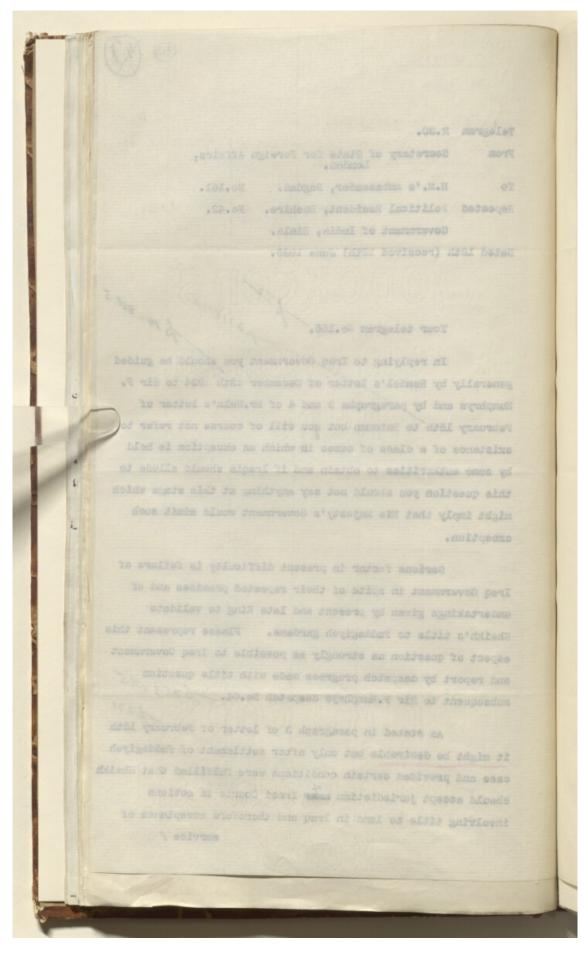
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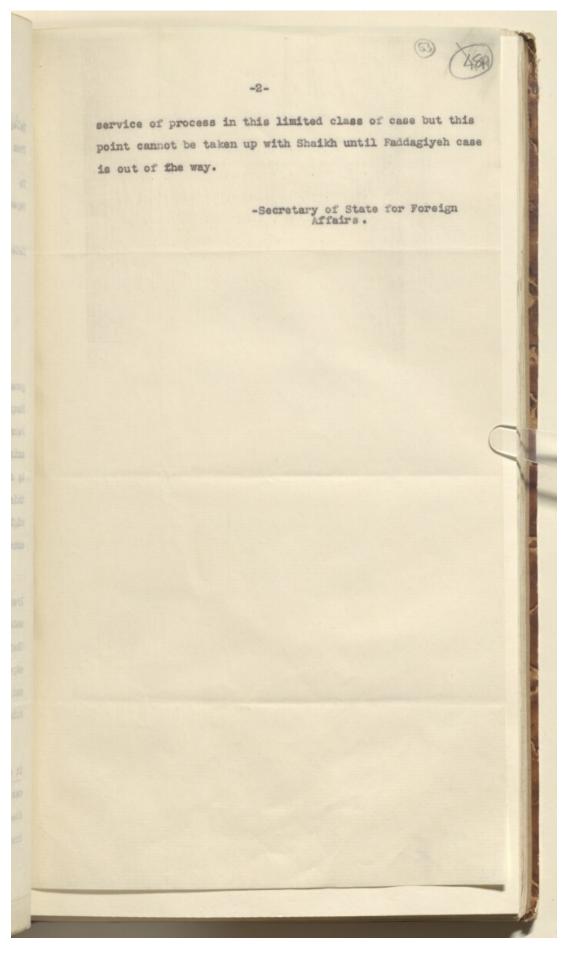






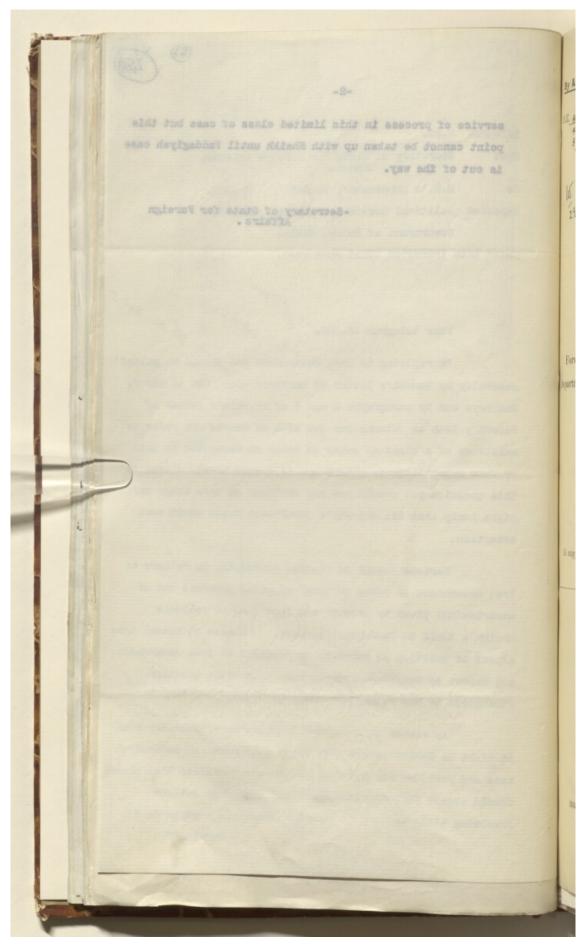
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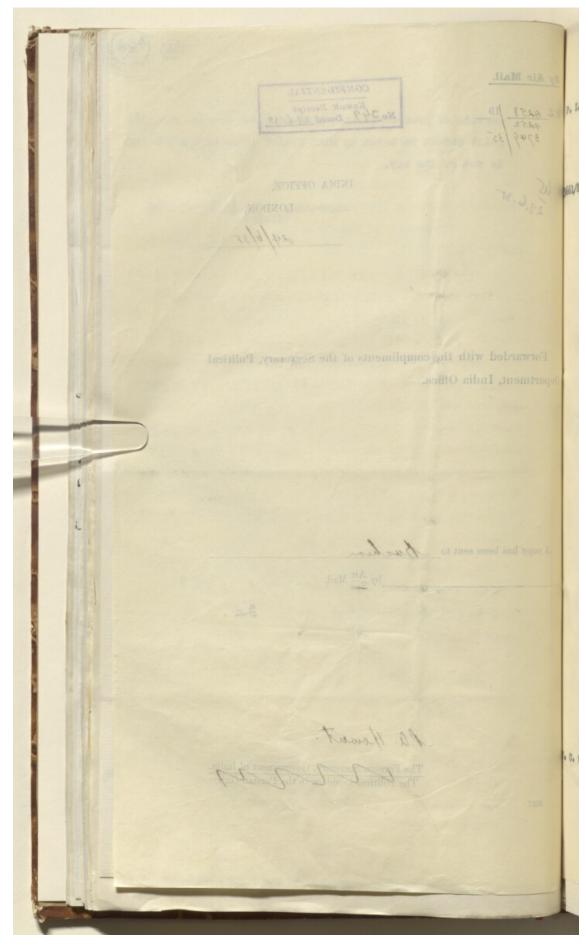
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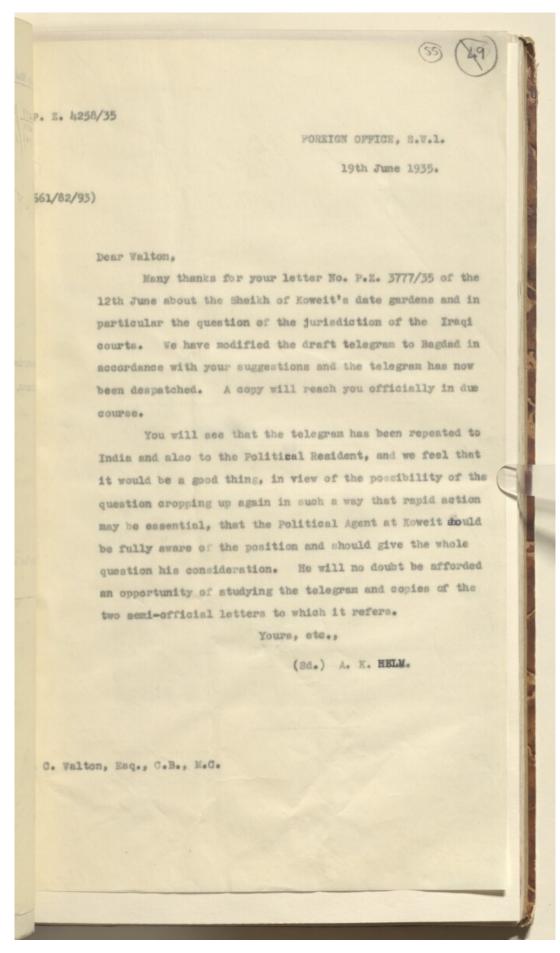
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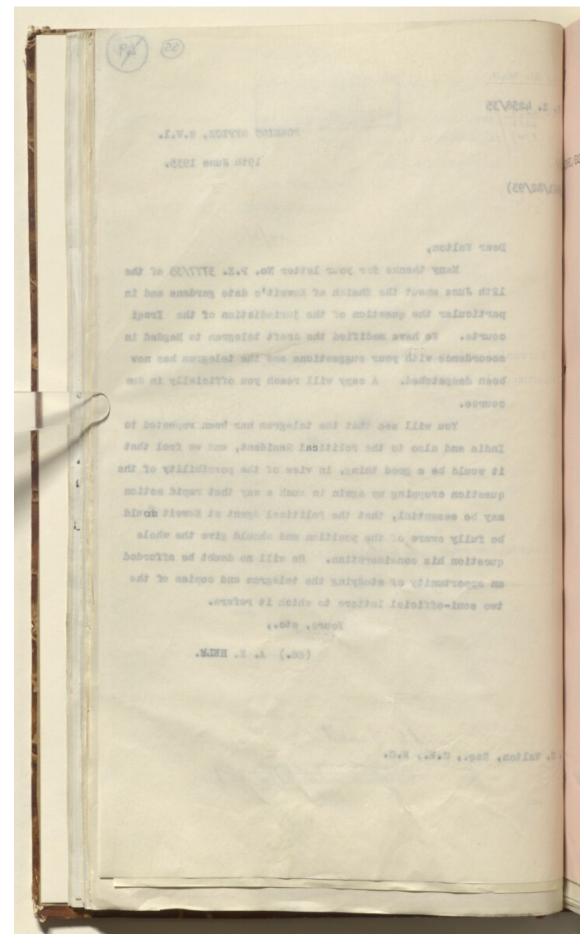
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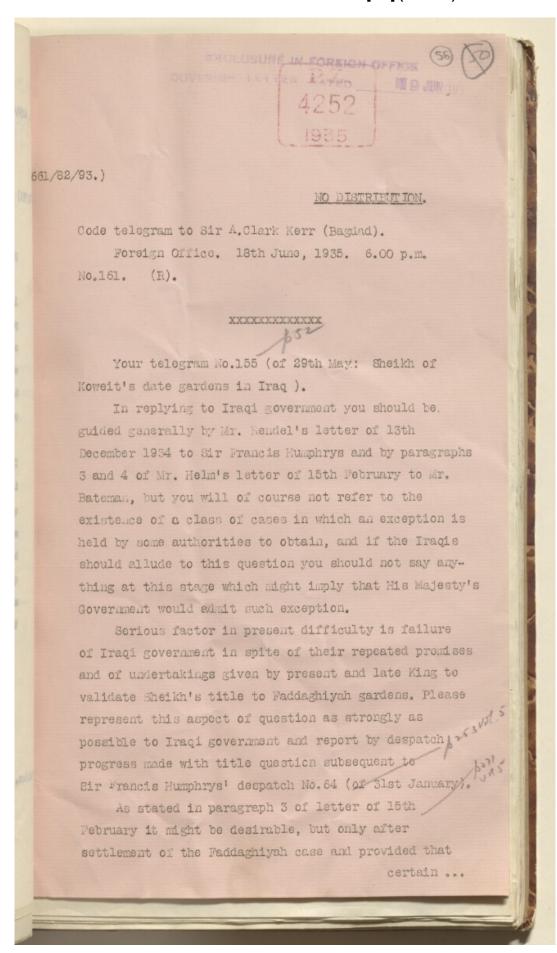
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#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [56r] (116/412)





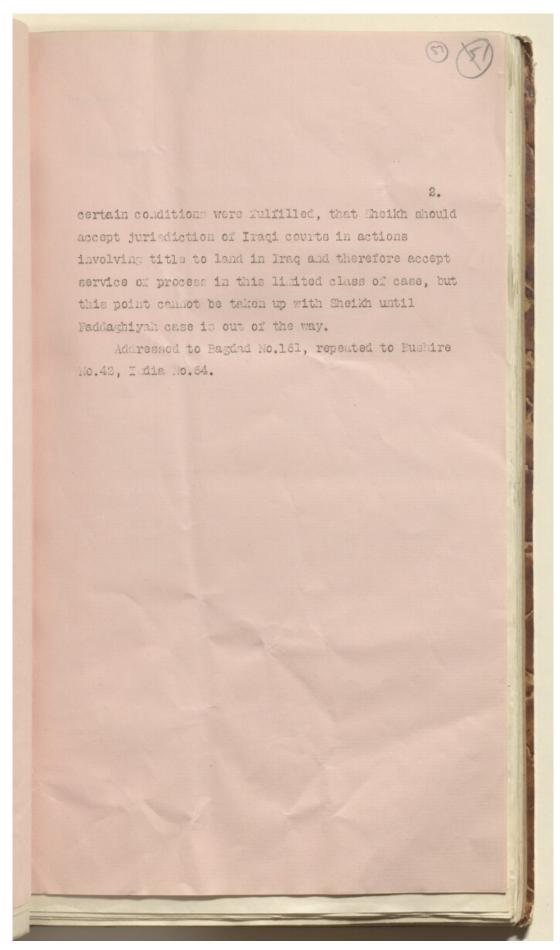
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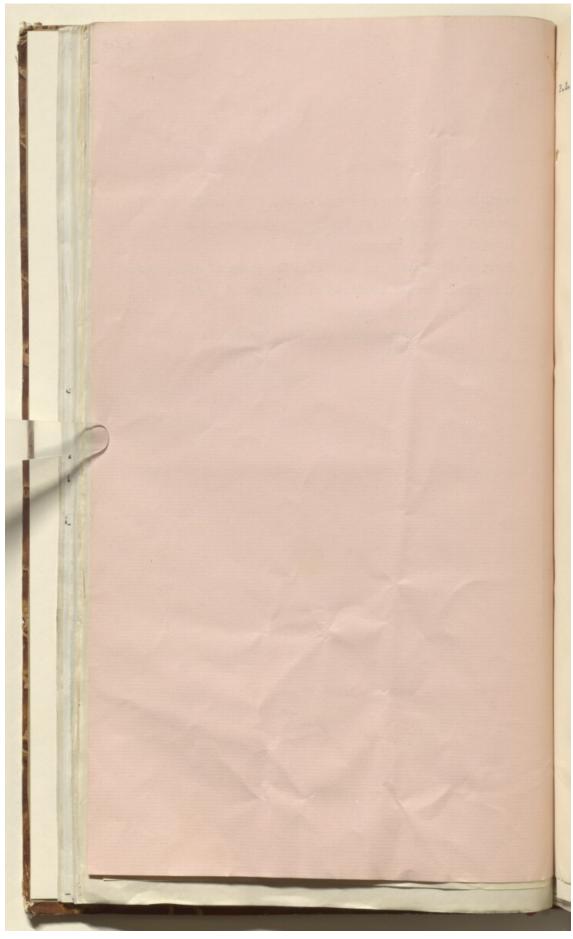
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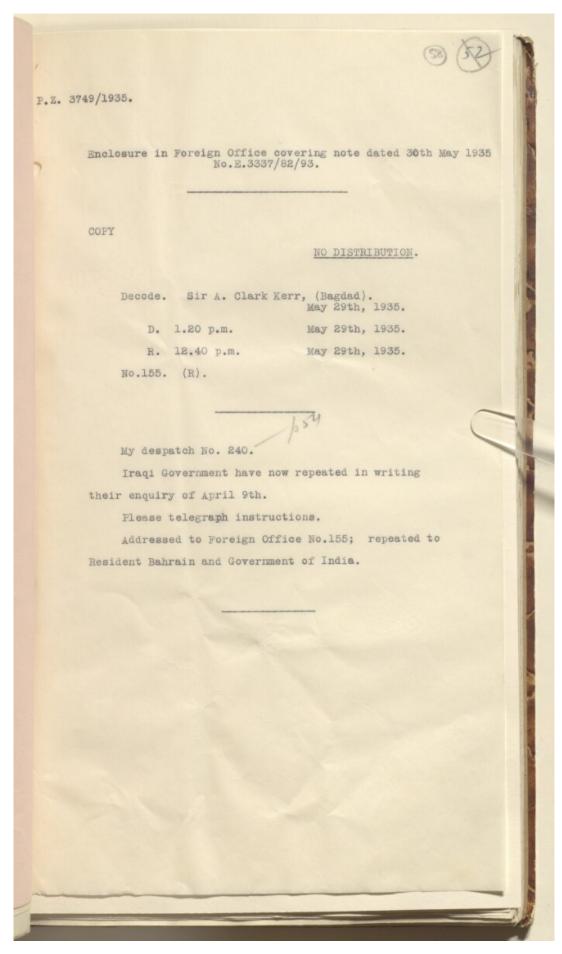
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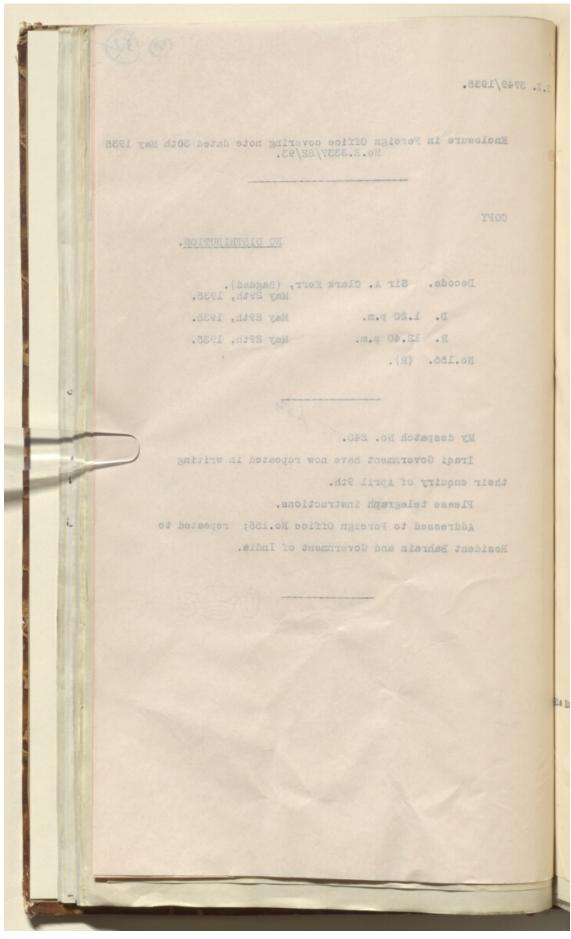
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [58r] (120/412)





### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [58v] (121/412)



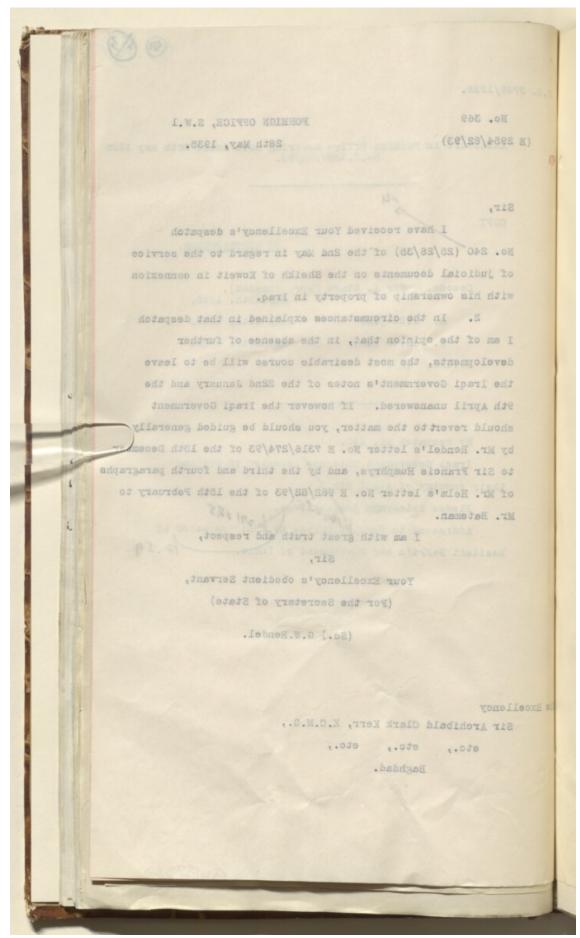


#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [59r] (122/412)



No. 369 FOREIGN OFFICE, S.W.1 (E 2954/82/93) 28th May, 1935. Sir, I have received Your Excellency's despatch No. 240 (25/28/35) of the 2nd May in regard to the service of judicial documents on the Sheikh of Koweit in connexion with his ownership of property in Iraq. 2. In the circumstances explained in that despatch I am of the opinion that, in the absence of further developments, the most desirable course will be to leave the Iraqi Government's notes of the 22nd January and the 9th April unanswered. If however the Iraqi Government should revert to the matter, you should be guided generally by Mr. Rendel's letter No. E 7316/274/93 of the 13th December to Sir Francis Humphrys, and by the third and fourth paragraphs of Mr. Helm's letter No. E 982/82/93 of the 15th February to 1/22/108/5 Mr. Bateman. I am with great truth and respect, Sir. Your Excellency's obedient Servant, (For the Secretary of State) (Sd.) G.W. Rendel. s Excellency Sir Archibald Clark Kerr, K.C.M.G., etc., etc., etc., Baghdad.

#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [59v] (123/412)

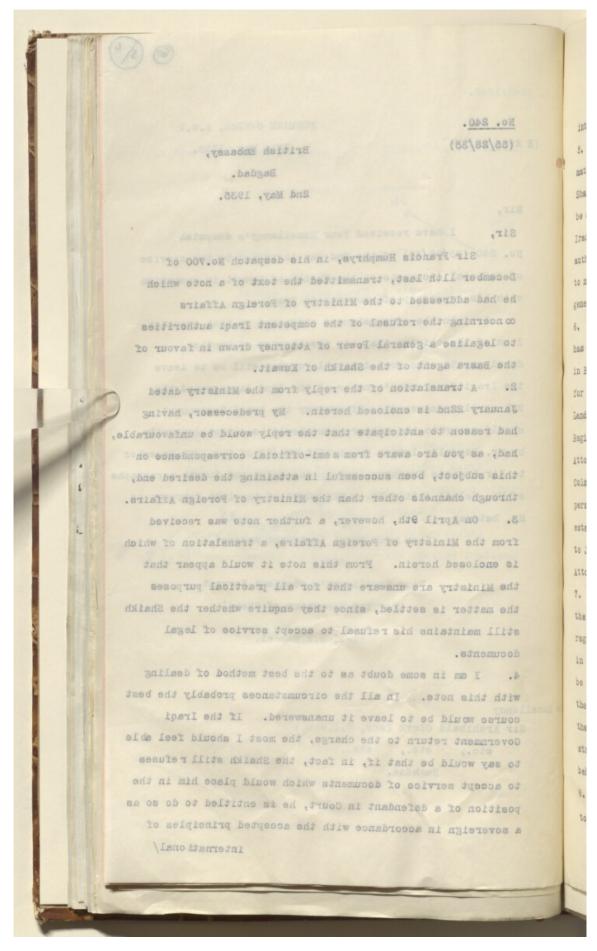


#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [60r] (124/412)



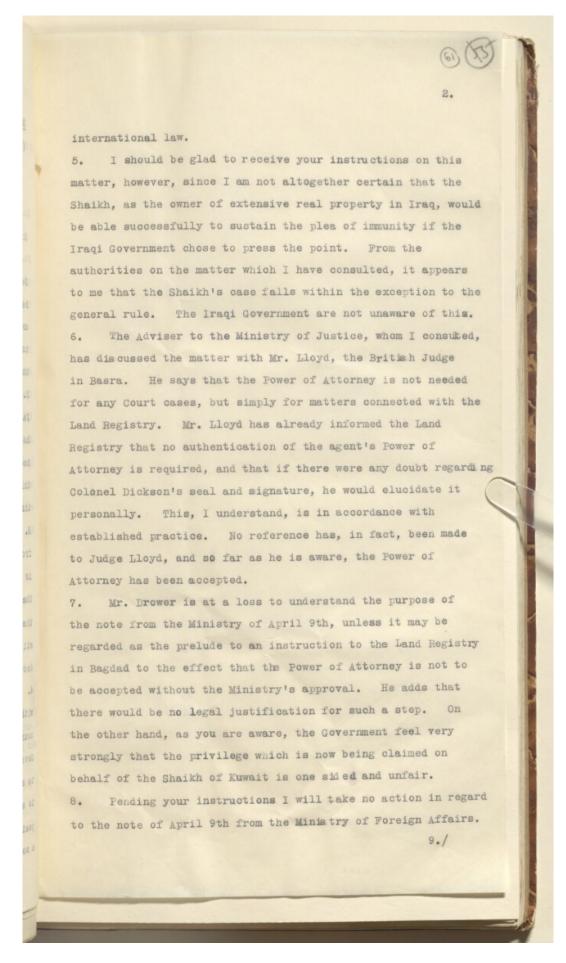
No. 240. (55/28/35)British Embassy, Bagdad. 2nd May, 1935. Sir, Sir Francis Humphrys, in his despatch No.700 of December 11th last, transmitted the text of a note which he had addressed to the Ministry of Foreign Affairs concerning the refusal of the competent Iraqi authorities to legalise a general Power of Attorney drawn in favour of the Basra agent of the Shaikh of Kuwait. A translation of the reply from the Ministry dated January 22nd is enclosed herein. My predecessor, having had reason to anticipate that the reply would be unfavourable, had, as you are aware from semi-official correspondence on this subject, been successful in attaining the desired end, through channels other than the Ministry of Foreign Affairs. On April 9th, however, a further note was received from the Ministry of Foreign Affairs, a translation of which is enclosed herein. From this note it would appear that the Ministry are unaware that for all practical purposes the matter is settled, since they enquire whether the Shaikh still maintains his refusal to accept service of legal documents. I am in some doubt as to the best method of dealing with this note. In all the circumstances probably the best course would be to leave it unanswered. If the Iraqi Government return to the charge, the most I should feel able to say would be that if, in fact, the Shaikh still refuses to accept service of documents which would place him in the position of a defendant in Court, he is entitled to do so as a sovereign in accordance with the accepted principles of international/

#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [60v] (125/412)

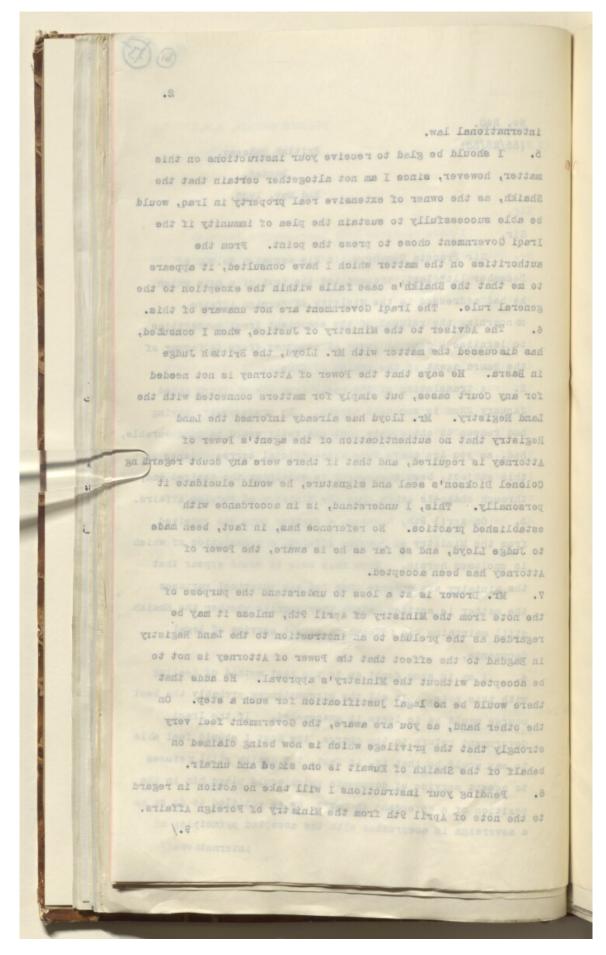


#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [61r] (126/412)



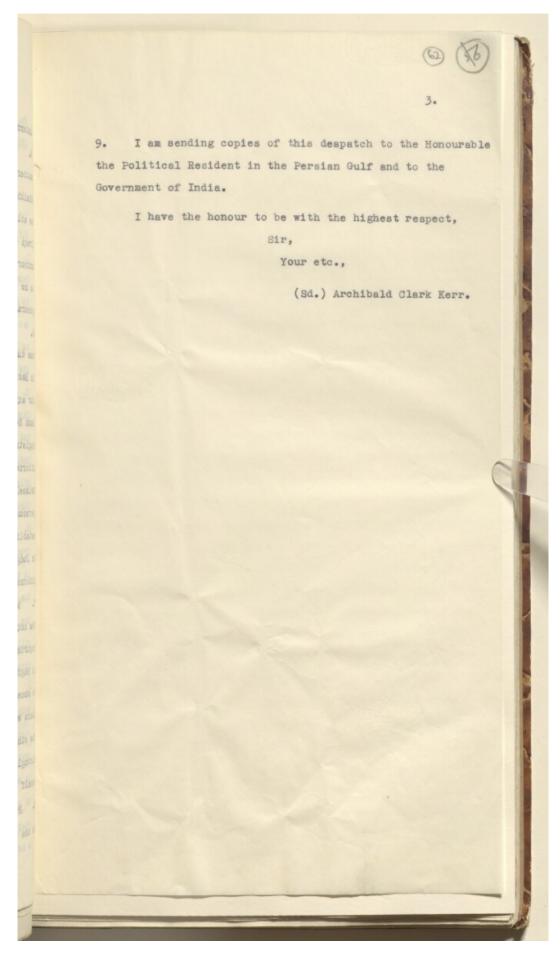


#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [61v] (127/412)



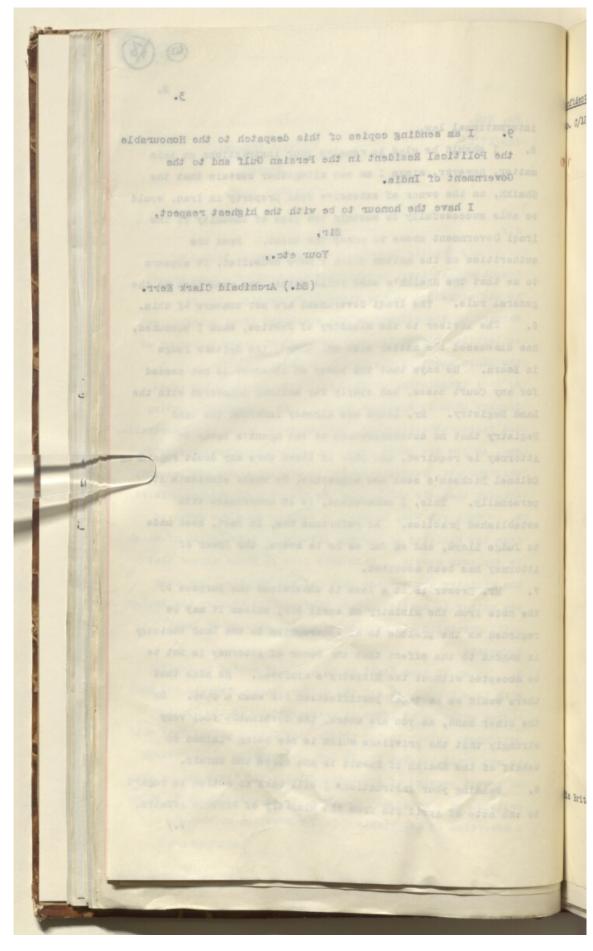






### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [62v] (129/412)





#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [63r] (130/412)



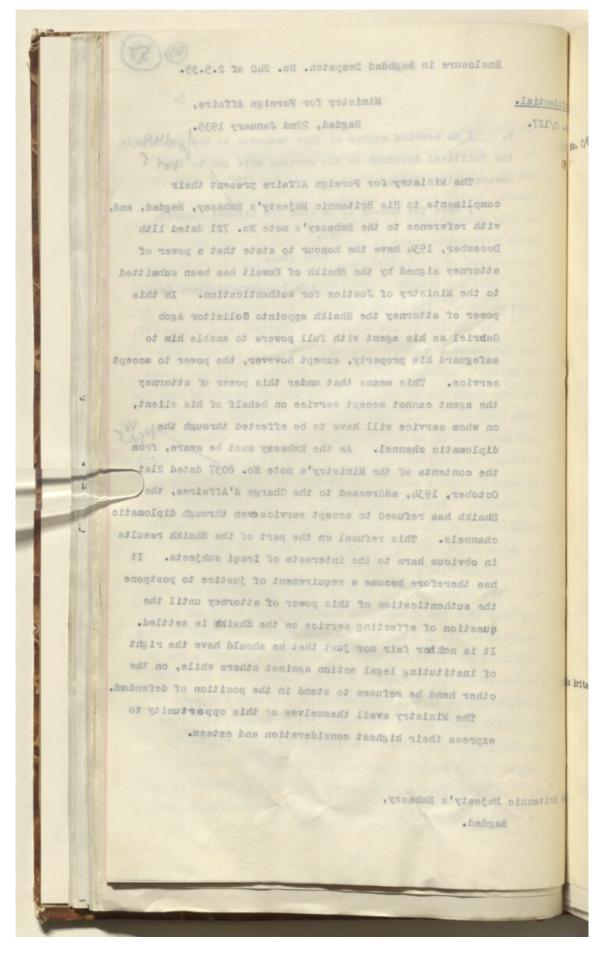
Enclosure in Baghdad Despatch. No. 240 of 2.5.35 Ministry for Foreign Affairs, fidential. Bagdad, 22nd January 1935. . C/127. The Ministry for Foreign Affairs present their compliments to His Britannic Majesty's Embassy, Bagdad, and, with reference to the Embassy's note No. 721 dated 11th December, 1934 have the honour to state that a power of attorney signed by the Shaikh of Kuwait has been submitted to the Ministry of Justice for authentication. In this power of attorney the Shaikh appoints Solicitor Agob Gabriel as his agent with full powers to enable him to safeguard his property, except however, the power to accept service. This means that under this power of attorney the agent cannot accept service on behalf of his client, on whom service will have to be effected through the diplomatic channel. As the Embassy must be aware, from the contents of the Ministry's note No. 8037 dated 21st October, 1934, addressed to the Charge d'Affaires, the Shaikh has refused to accept service even through diplomatic channels. This refusal on the part of the Shaikh results in obvious harm to the interests of Iraqi subjects. It has therefore become a requirement of justice to postpone the authentication of this power of attorney until the question of effecting service on the Shaikh is settled. It is neither fair nor just that he should have the right of instituting legal action against others while, on the other hand he refuses to stand in the position of defendant. The Ministry avail themselves of this opportunity to express their highest consideration and esteem. Britannic Majesty's Embassy, Bagdad.

Reference: IOR/R/15/5/145. Copyright for this page: <u>Unknown</u>

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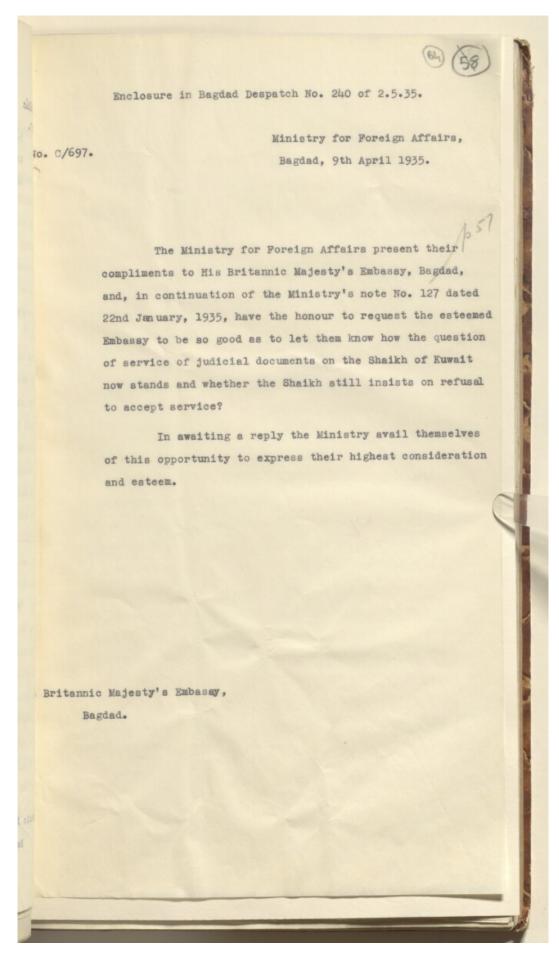
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### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [64r] (132/412)



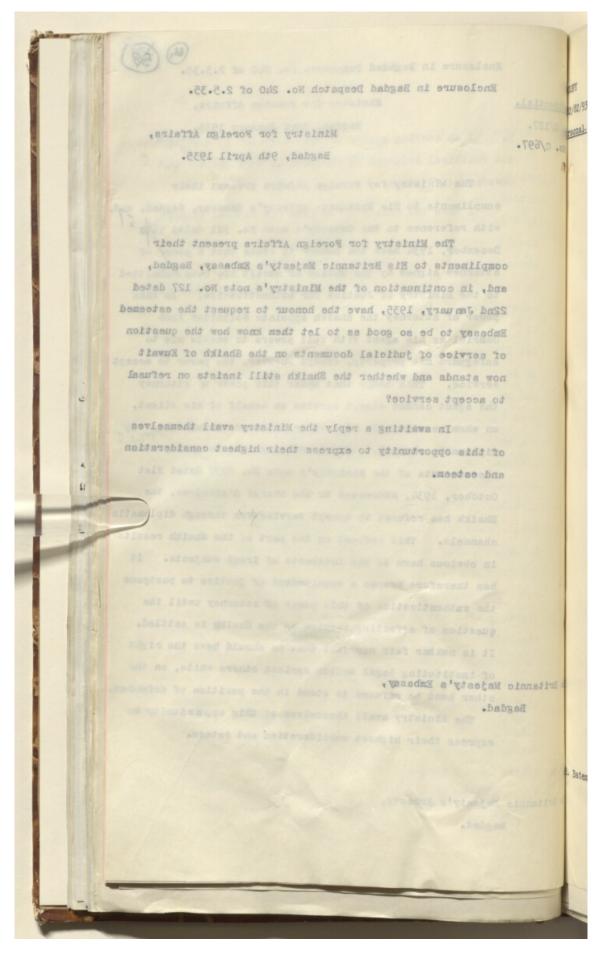


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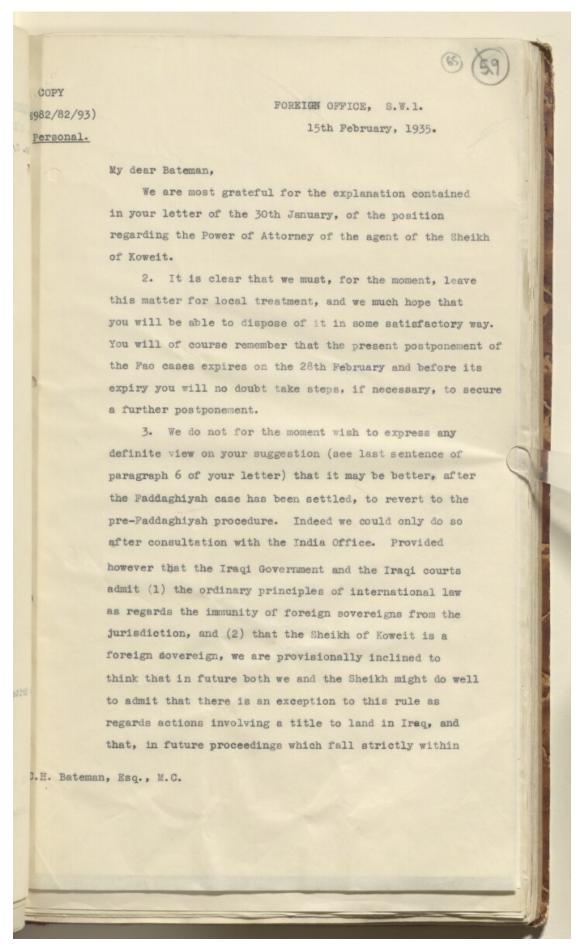
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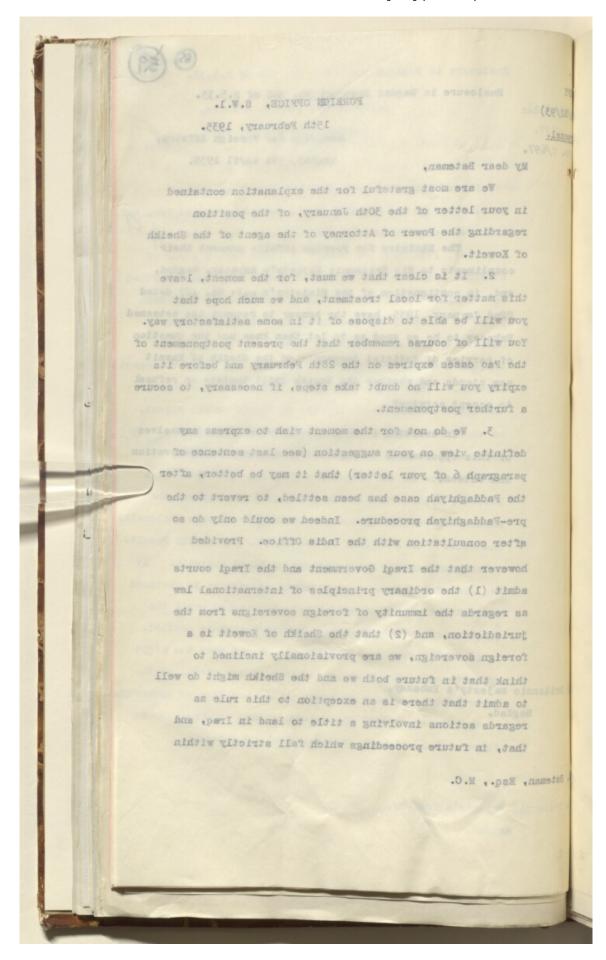


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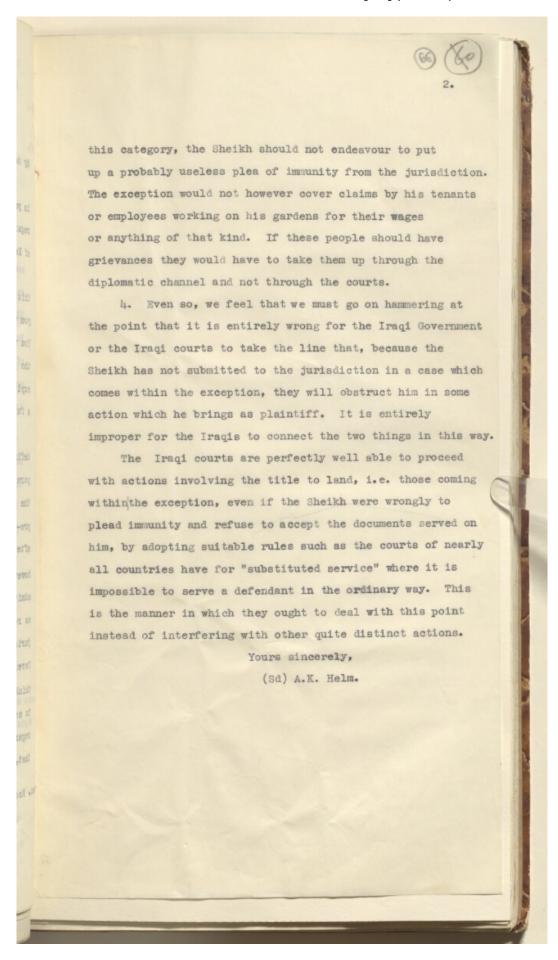


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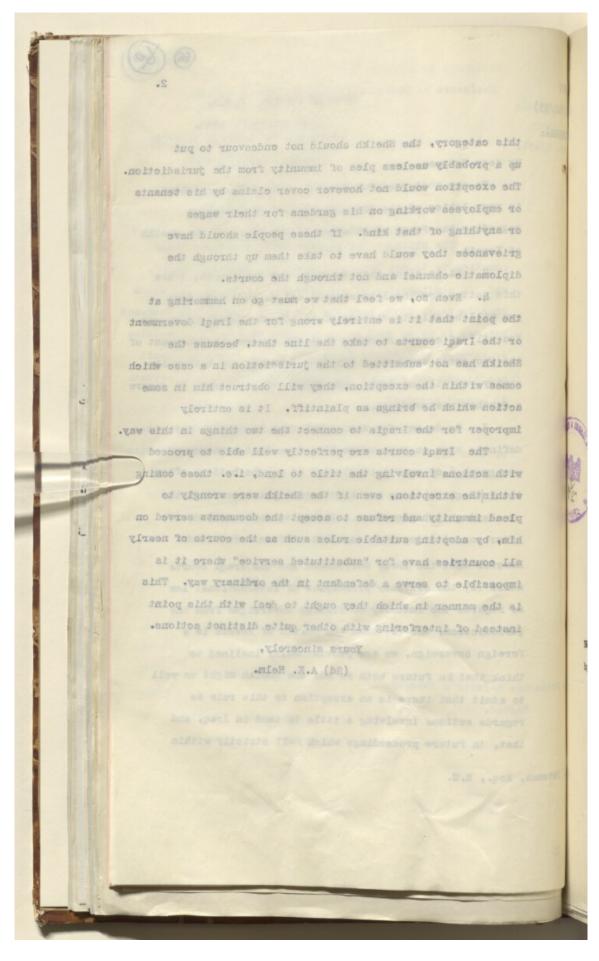
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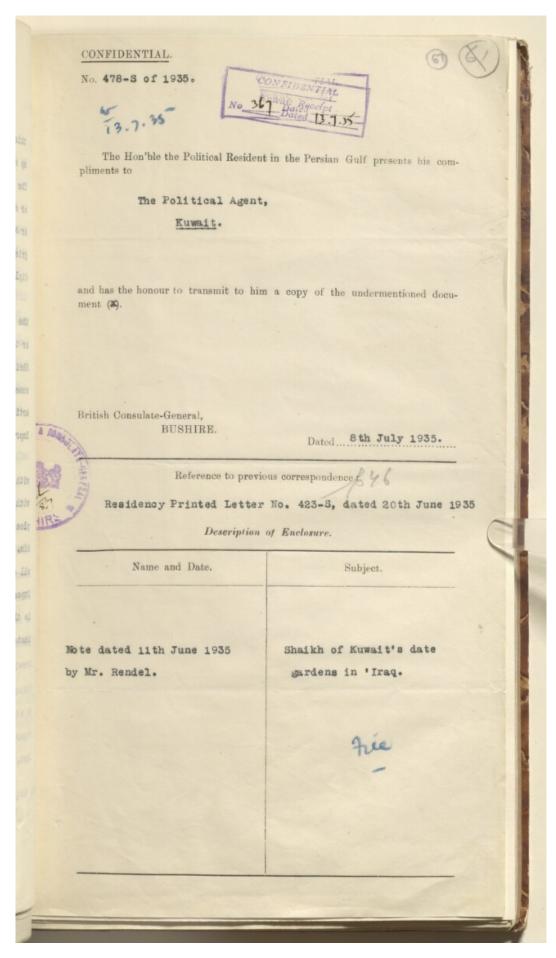






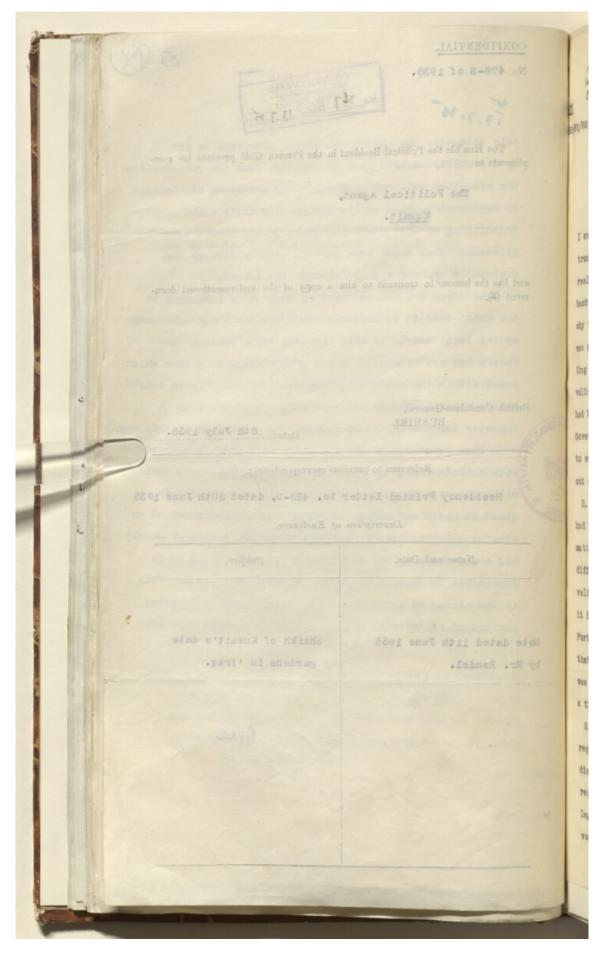












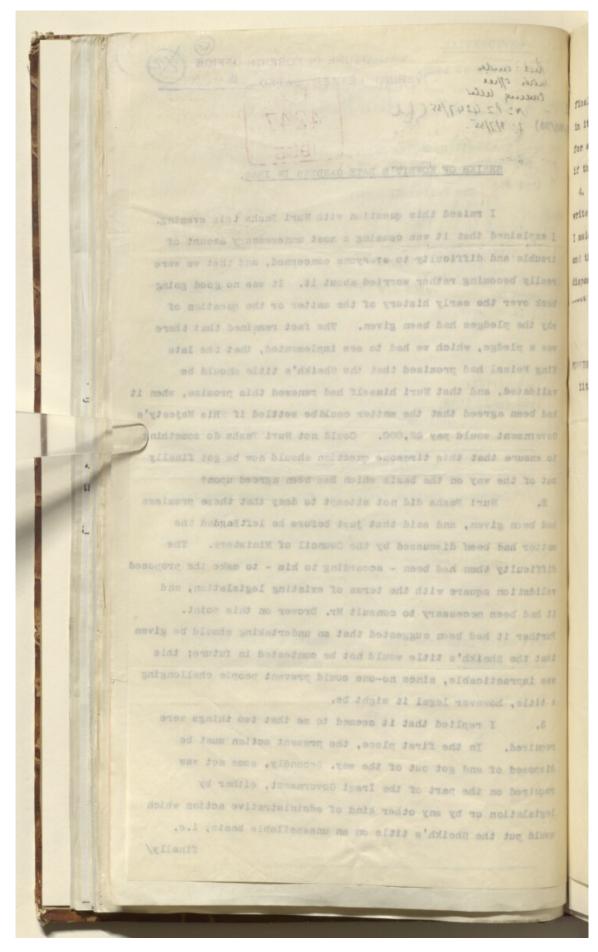
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [68r] (140/412)



mores office P. P. 2. 42 47/35 3/82/93) 8: 8/7/55 SHEIKH OF KOWEIT'S DATE GARDENS I raised this question with Nuri Pasha this evening. I explained that it was causing a most unnecessary amount of trouble and difficulty to everyone concerned, and that we were really becoming rather worried about it. It was no good going back over the early history of the matter or the question of why the pledges had been given. The fact remained that there was a pledge, which we had to see implemented, that the late King Feisal had promised that the Sheikh's title should be validated, and that Nuri himself had renewed this promise, when it had been agreed that the matter could be settled if His Majesty's Government would pay £2,000. Could not Nuri Pasha do something to ensure that this tiresome question should now be got finally out of the way on the basis which had been agreed upon? Nuri Pasha did not attempt to deny that these promises had been given, and said that just before he left Bagdad the matter had been discussed by the Council of Ministers. The difficulty then had been - according to him - to make the proposed validation square with the terms of existing legislation, and it had been necessary to consult Mr. Drower on this point. Further it had been suggested that an undertaking should be given that the Sheikh's title would not be contested in future; this was impracticable, since no-one could prevent people challenging a title, however legal it might be. I replied that it seemed to me that two things were required. In the first place, the present action must be disposed of and got out of the way. Secondly, some act was required on the part of the Iraqi Government, either by legislation or by any other kind of administrative action which would put the Sheikh's title on an unassailable basis, i.e. finally/

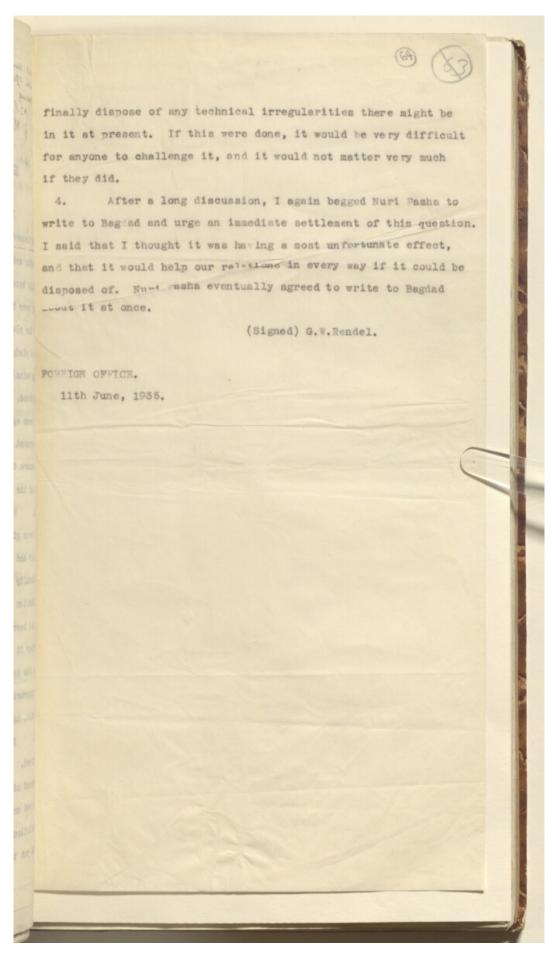
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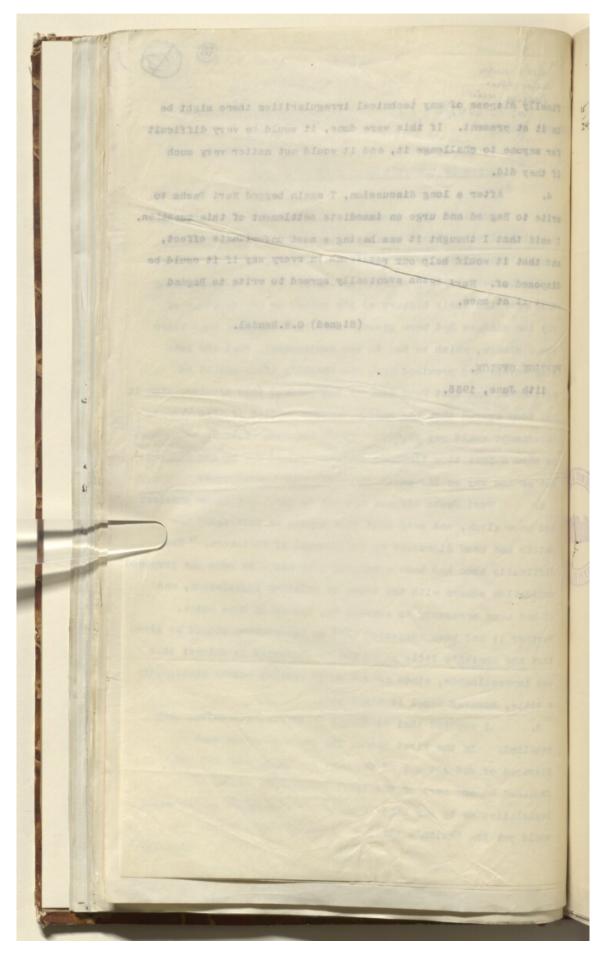






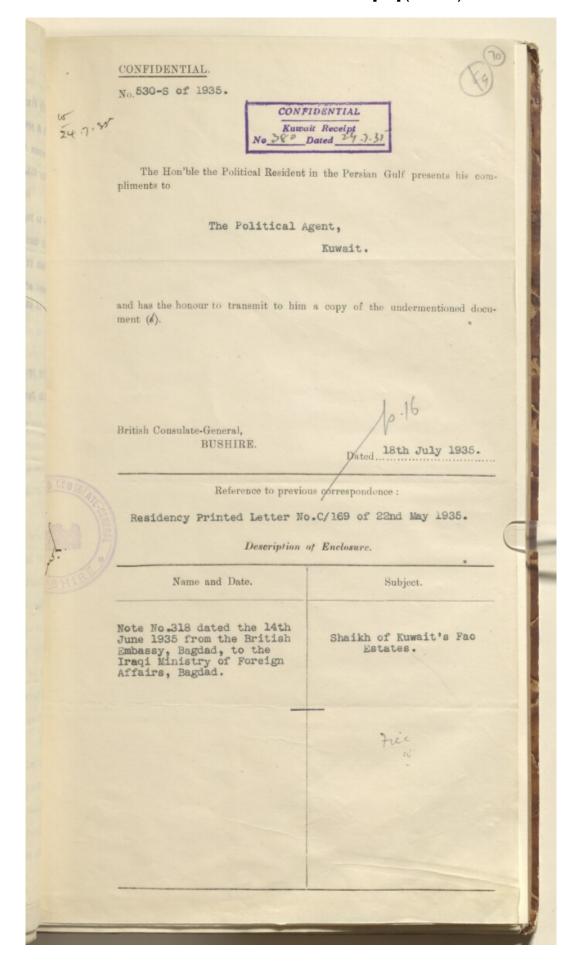






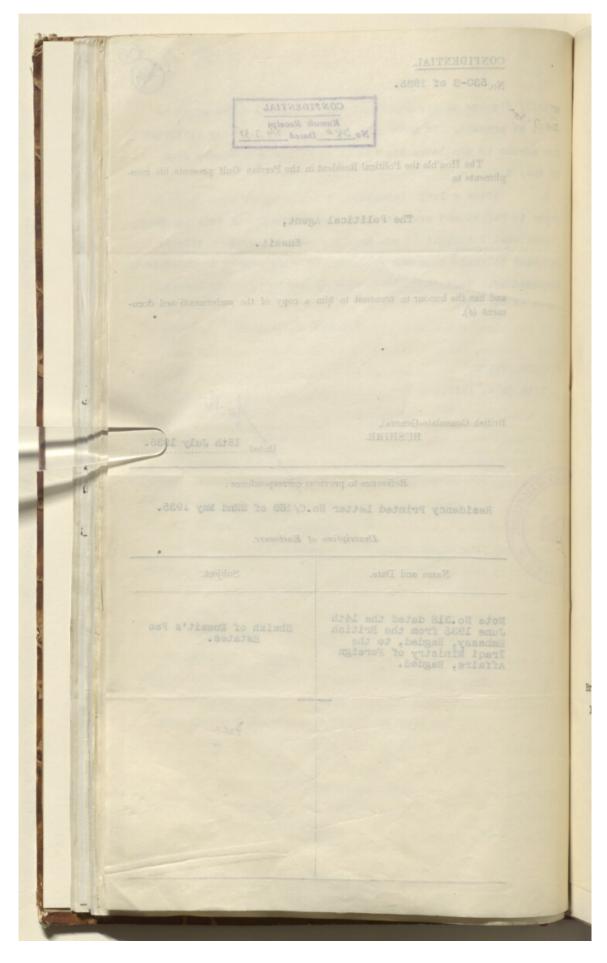
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# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [70v] (145/412)



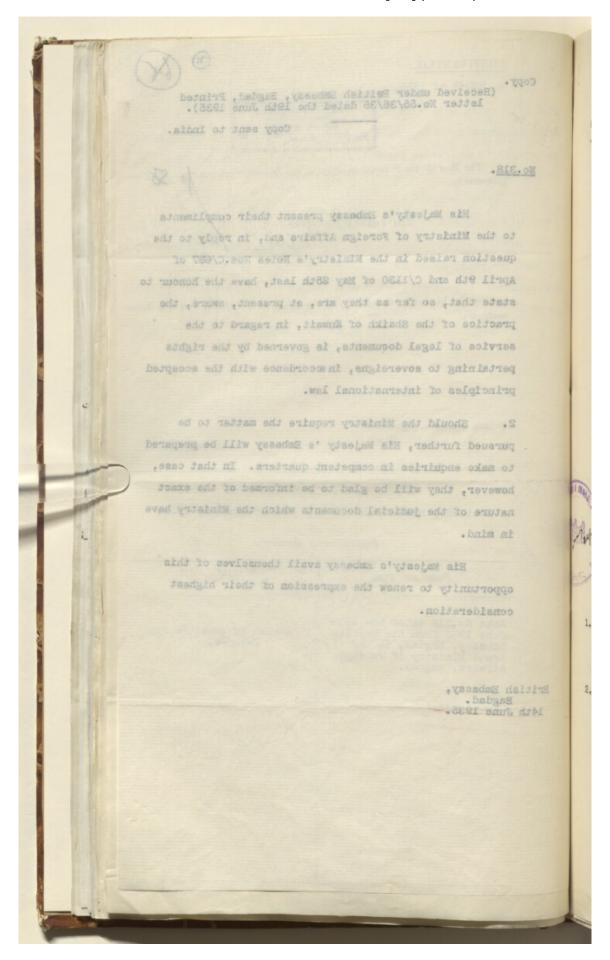


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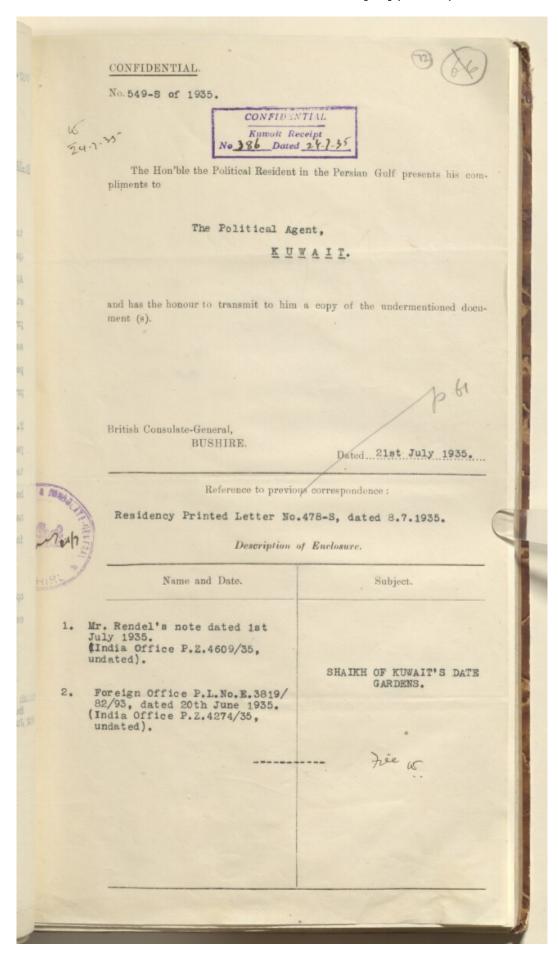


Copy. (Received under British Embassy, Bagdad, Printed letter No.55/36/35 dated the 19th June 1935). Copy sent to India. No.318. His Majesty's Embassy present their compliments to the Ministry of Foreign Affairs and, in reply to the question raised in the Ministry's Notes Nos.C/697 of April 9th and C/1130 of May 25th last, have the honour to state that, so far as they are, at present, aware, the practice of the Shaikh of Muwait, in regard to the service of legal documents, is governed by the rights pertaining to sovereigns, in accordance with the accepted principles of international law. Should the Ministry require the matter to be pursued further, His Majesty 's Embassy will be prepared to make enquiries in competent quarters. In that case, however, they will be glad to be informed of the exact nature of the judicial documents which the Ministry have in mind. His Majesty's Embassy avail themselves of this opportunity to renew the expression of their highest consideration. British Embassy, Bagdad. 14th June 1935.

### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [71v] (147/412)

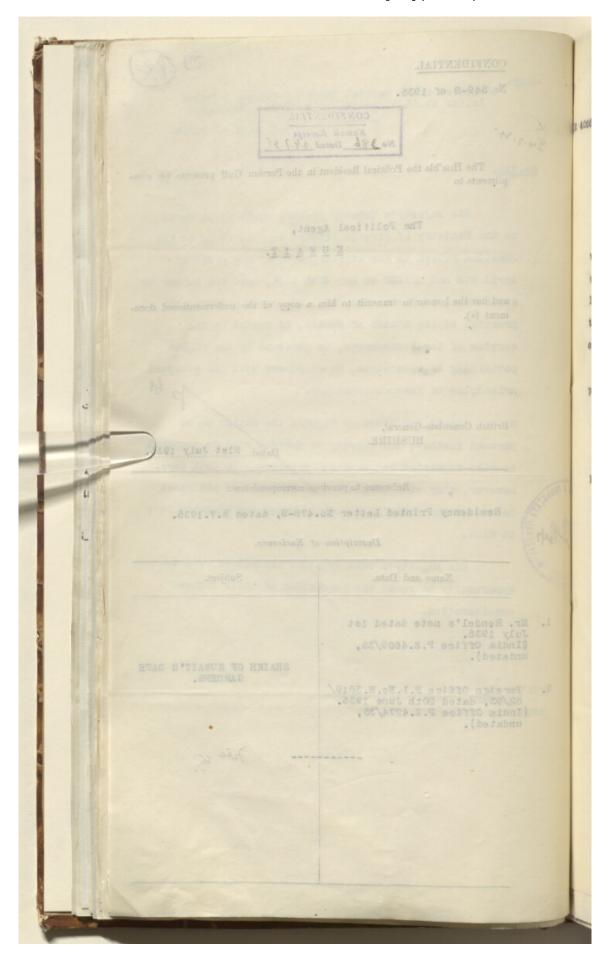


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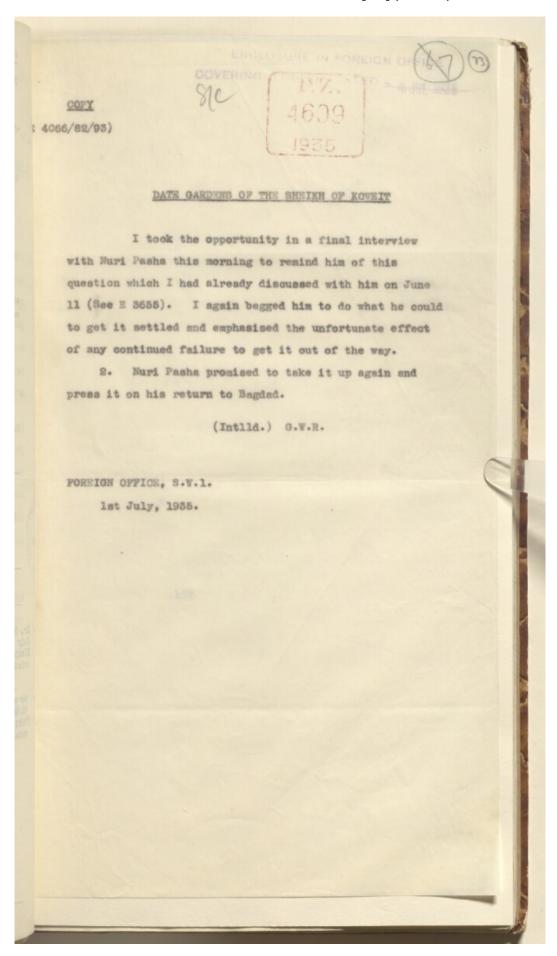


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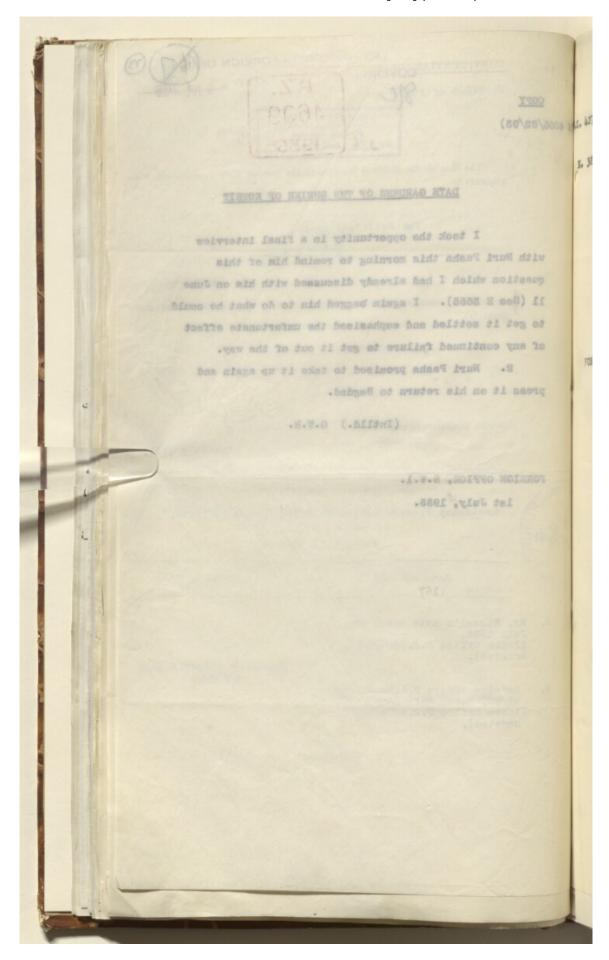


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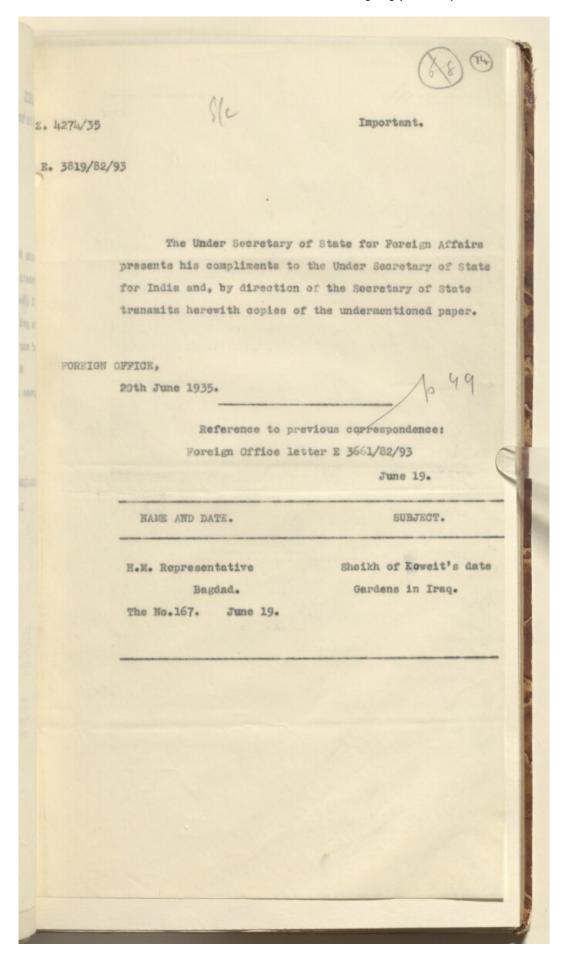




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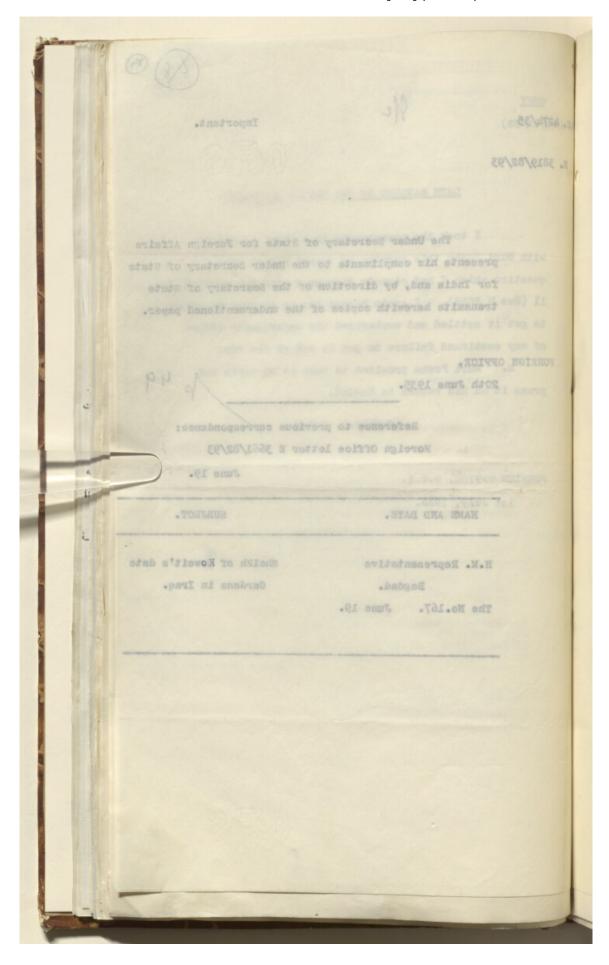


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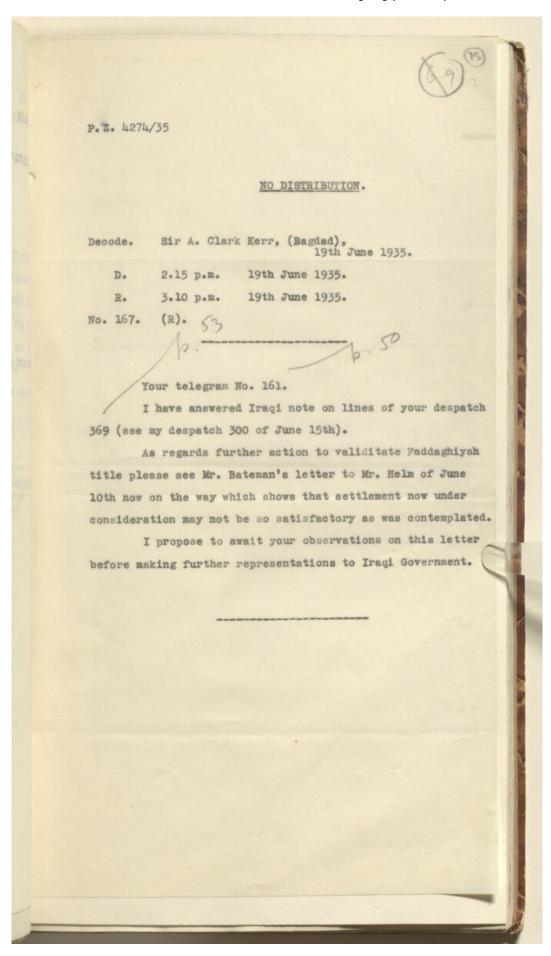


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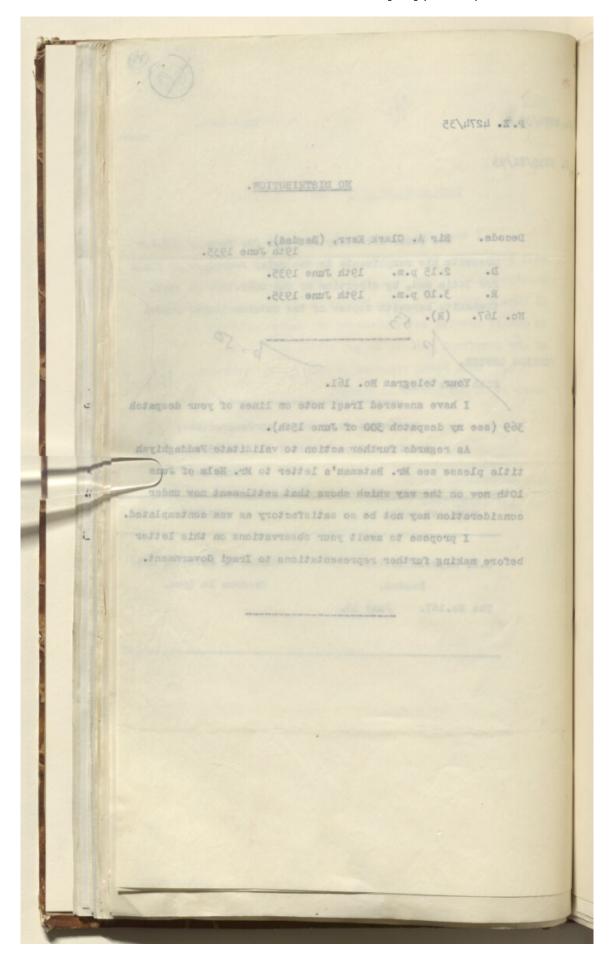


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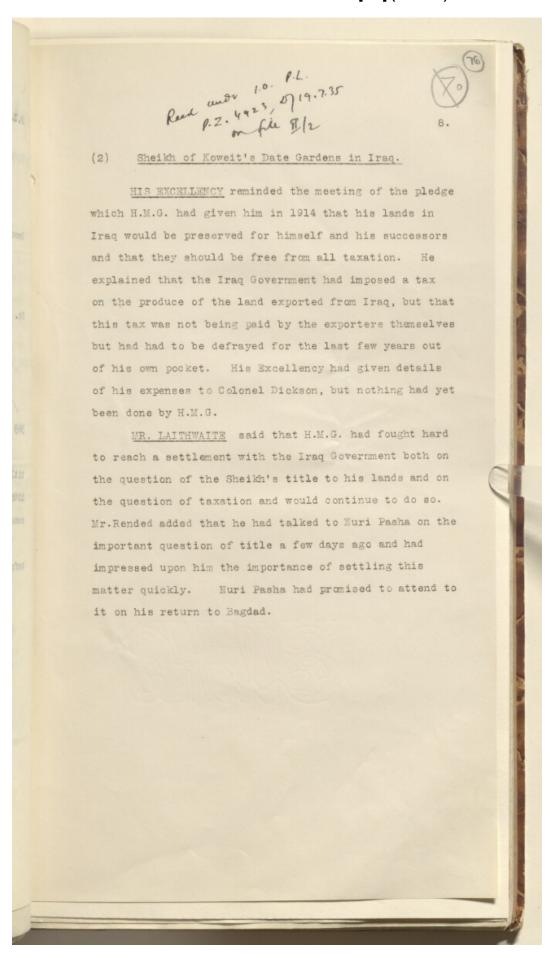


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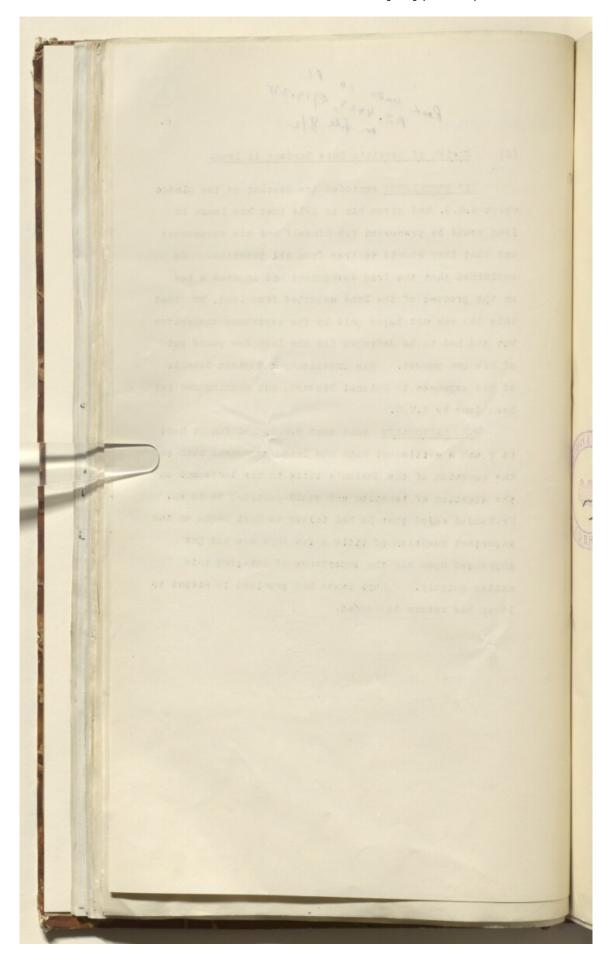






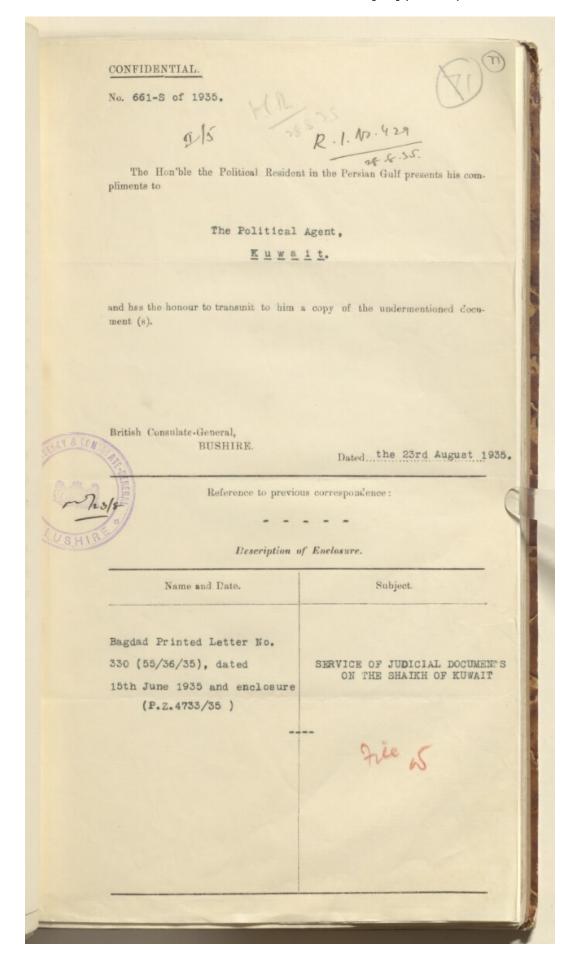






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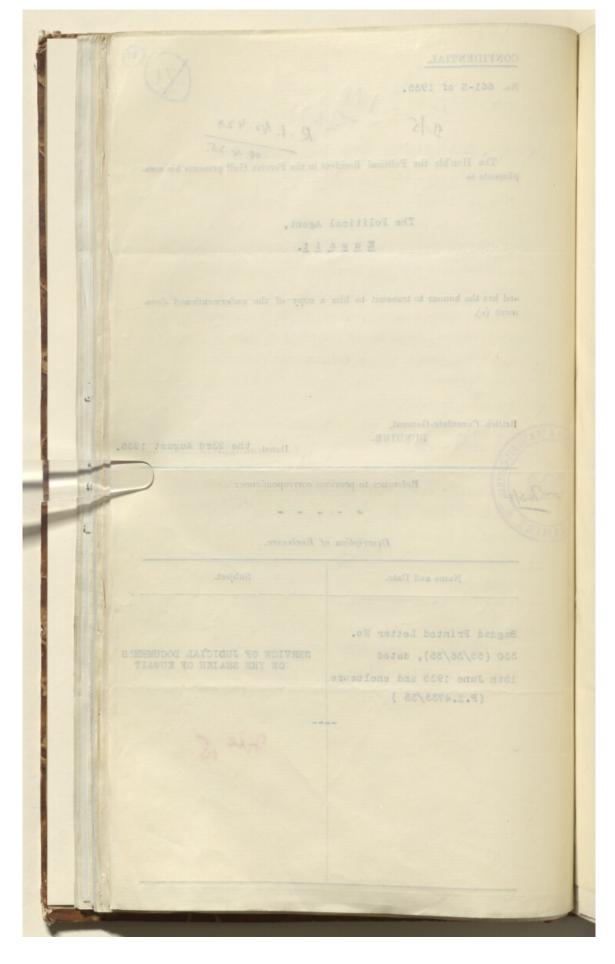






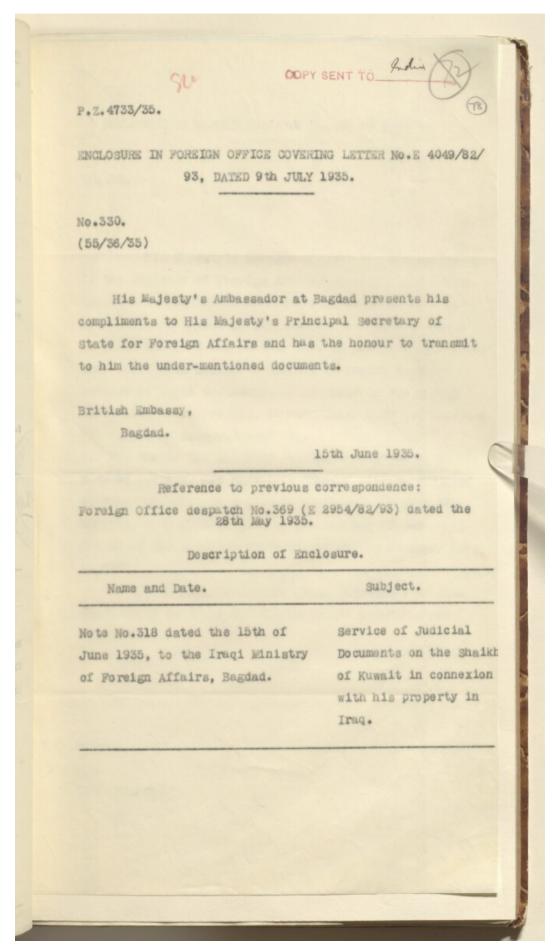
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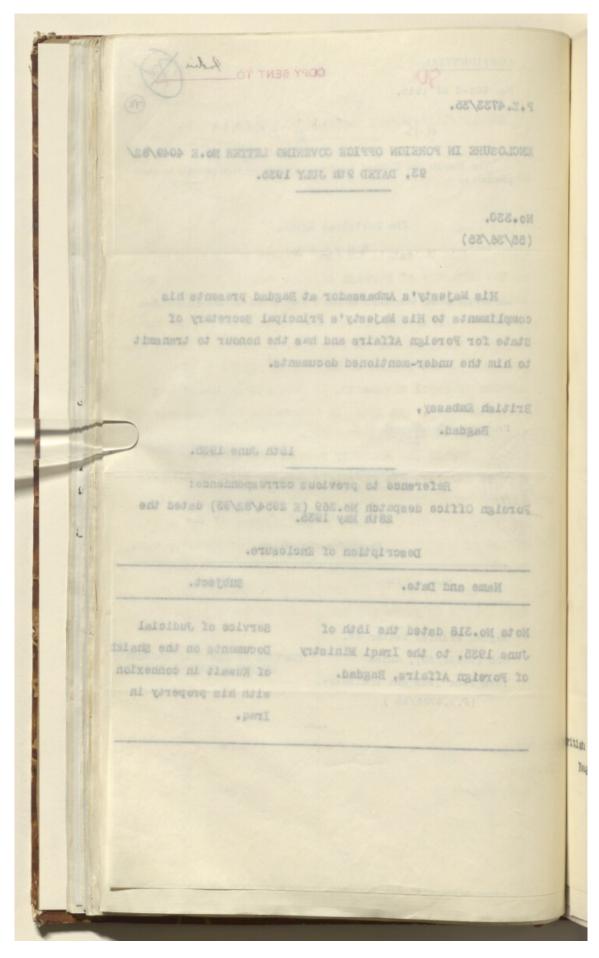
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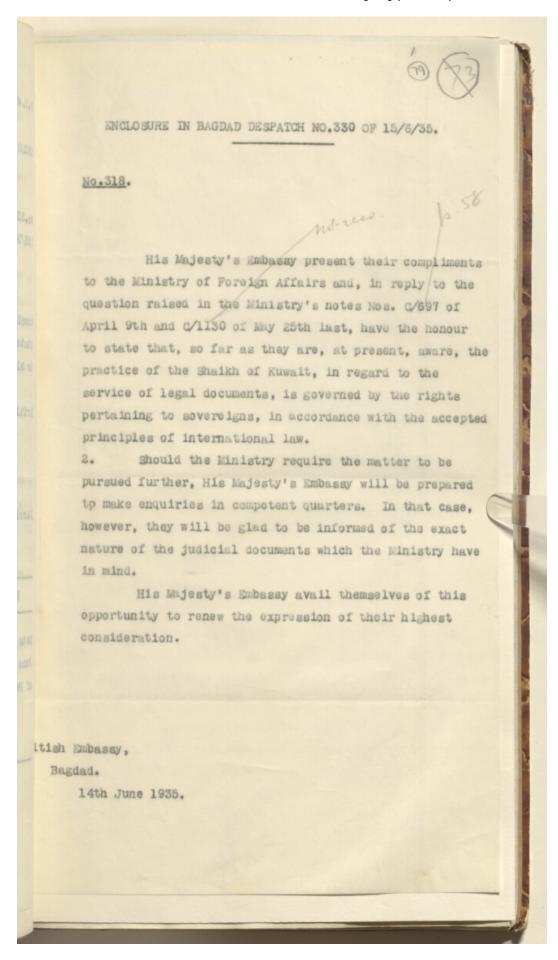
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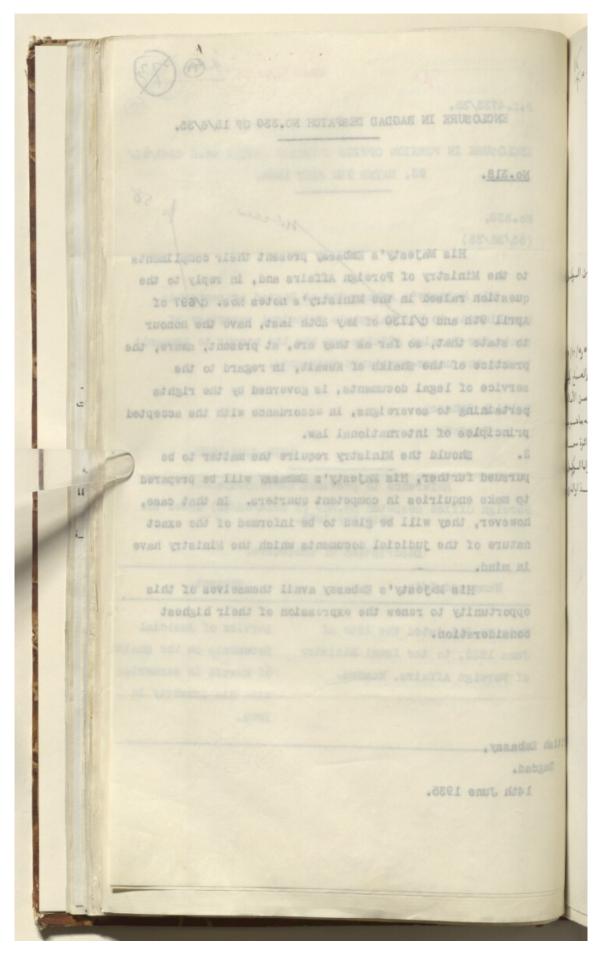
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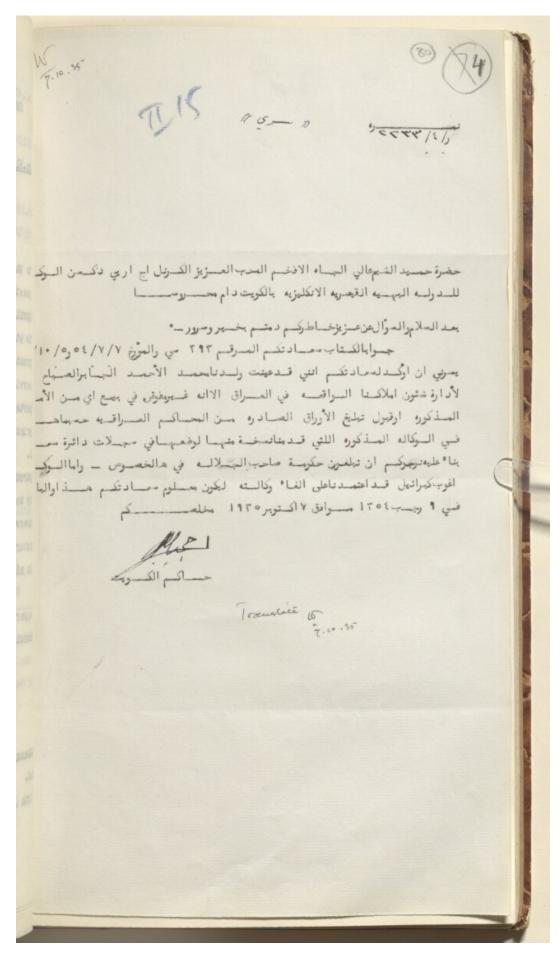






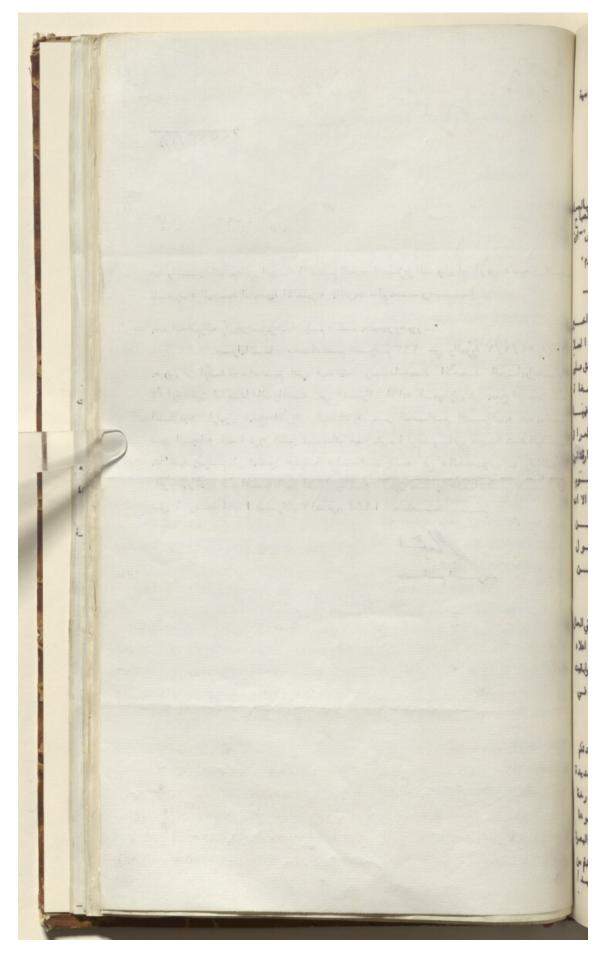
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [80r] (164/412)











### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [81r] (166/412)



(come) الوكالة السياسية

> 594/cm 22 تاریخ ۷ رجب ۱۳۵۶

Confidential.

No.C-293.

Political Agency, Kuwait.

5th October 1935.

His Excellency Shaikh Sir Ahmad al-Jabir as-Sabah, K.C.I.E., C.S.I.,

Ruler of Kuwait.

- : بعد النحية وجزيل الاحترام After compliments,

I have the honour to inform Your Excellency that your clerk Abdulla al Mulla brought to me this morning for my countersignature two copies of a "Power of Attorney" signed by Your Excellency, appointing your son Muhammad as your Attorney in 'IRAQ and giving him full authority to manage your estates in 'IRAQ and act on your behalf generally, but not authorizing him to sell any of the said properties or to accept service of summonses emanating from the 'IRAQ Courts.

- 2. As requested I duly countersigned and returned the aboumentioned original Power of Attorney by the hand of Abdulla al Mulla, and retained the second copy for my records.
- I presume that in granting this fresh power of attorney Your Excellency has now cancelled the original Power of Attorney dated the 10th October 1934, which Your Excellency gave to Mr. Agoob Gabriel of Basra, and should be obliged 11/

حضرة حبيد الشوالمحبالدزيز صاحبالسم الشيخ صبر احميد الجابر العباء

كي سي -اى اى \_سي اس -اى

حاكم الكويت المحترم.

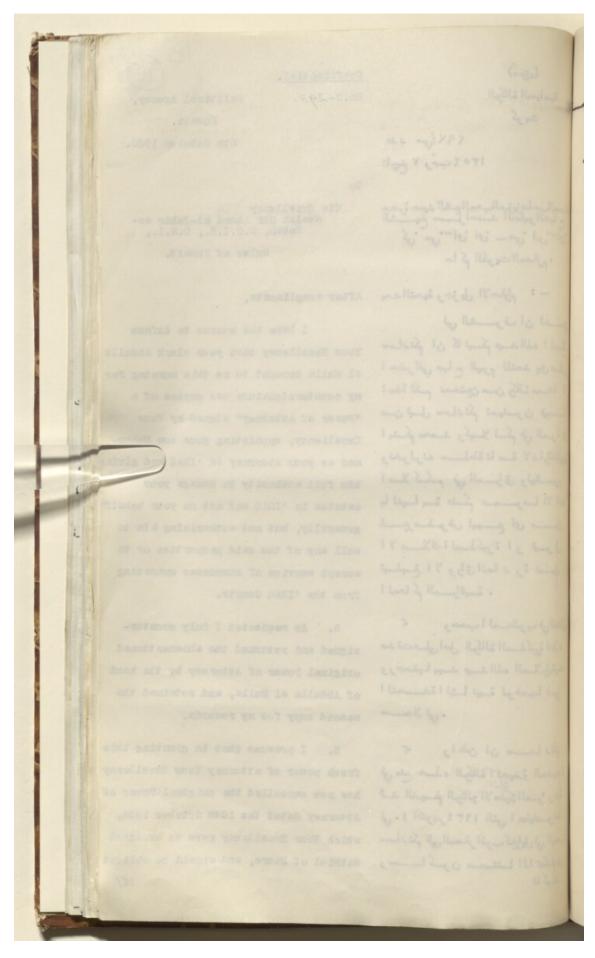
لى الشرف ان اخر سادتكم أن كا تبسكم عدالله الملا احضرالي صباح اليوم للتصد يتىعلى ا مضا فكم نسختين من وكالة مسفاة من تبل سادتكم تعينون فيا ا بنسكم محمد وكيسلا لسكم في المرا و وتخولونه مسلطة تامة لادارتشاون املاككم في العراق وليقوم بالنيابة عسكم عمروما ألاانه فسيرمفوض لبيسم اى مسن الا مسلاك المذكورة او تبول تبليغ الا وراق الما درة عسن المحاكم المسراتية .

وحسب المطلوب في الحال صدقت عملي اصل الوكالة المددكورة اعلاء ورجمتها بيسد عسدالله الملاوابقيت النمسخة الثانية لوضها ني سحدلاتي.

واظن ان سما دتكم في منم هدده الوكالة الجيدة الجديدة قد النيسة الوكالة الاصلية المو رخة ني ١٠ اكتوبر ١٩٣٤ التي اعطيتموها سعادتكم الى المستر اكوب كبرايل في المصرة وساكون مستنا اذا تمكنم من تا كيـد/

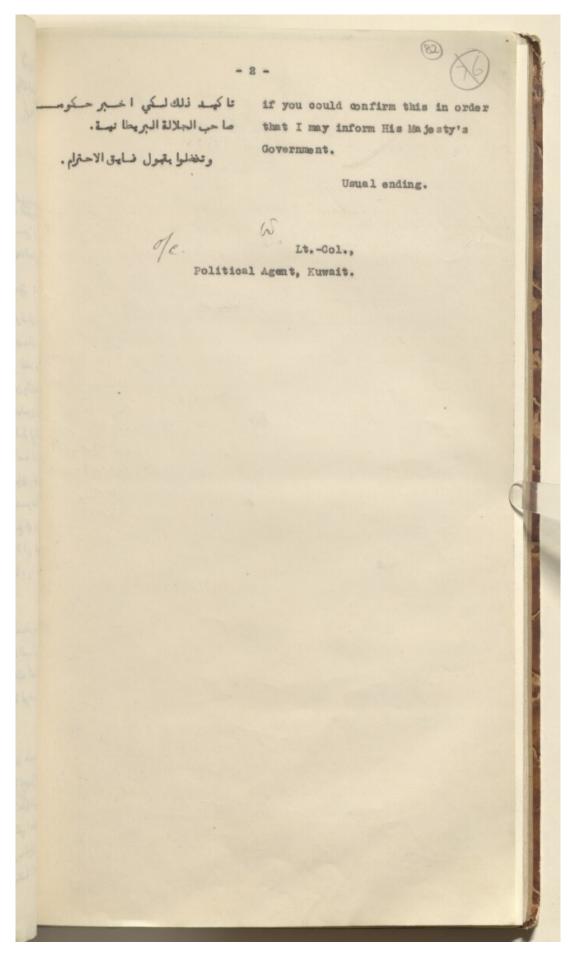






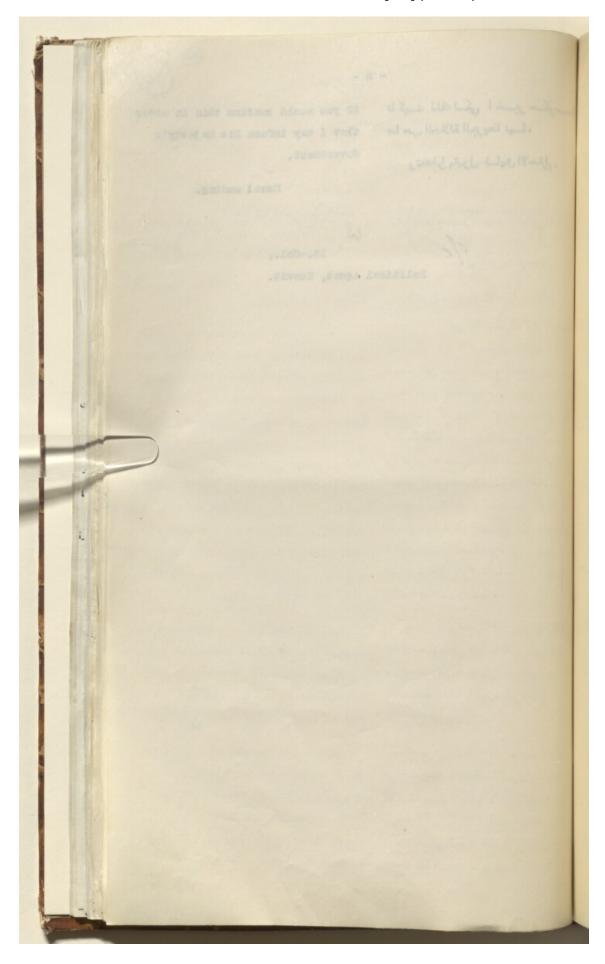






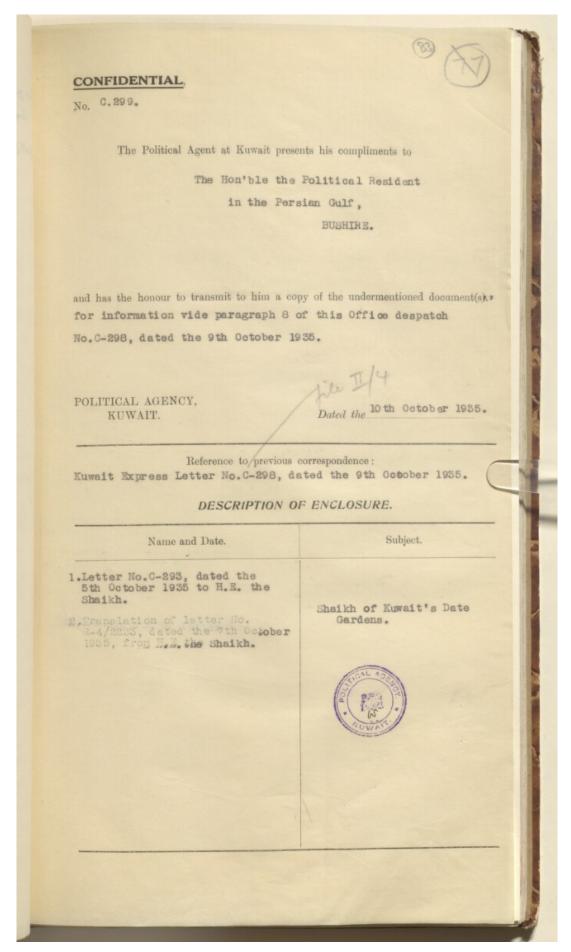




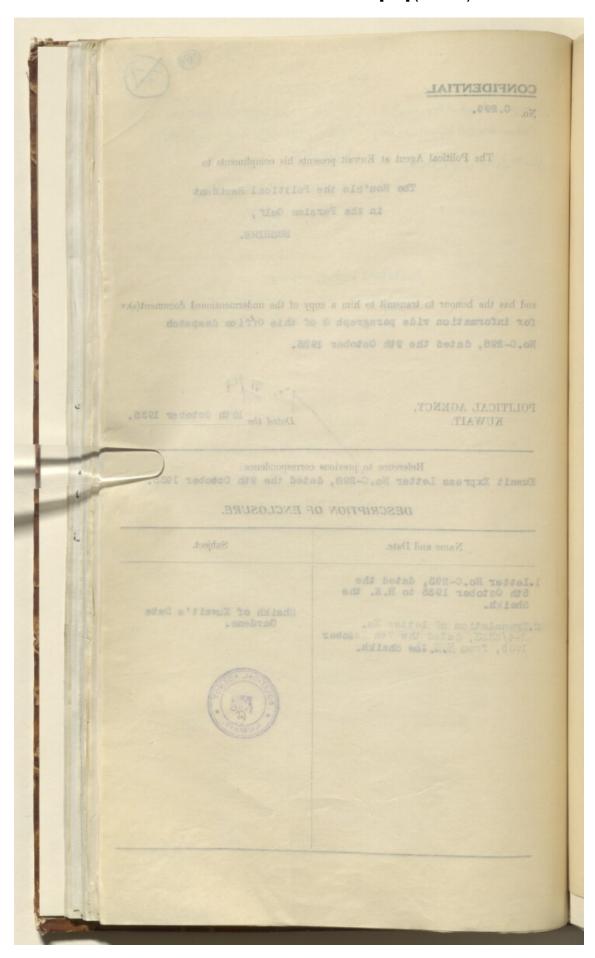


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [83r] (170/412)



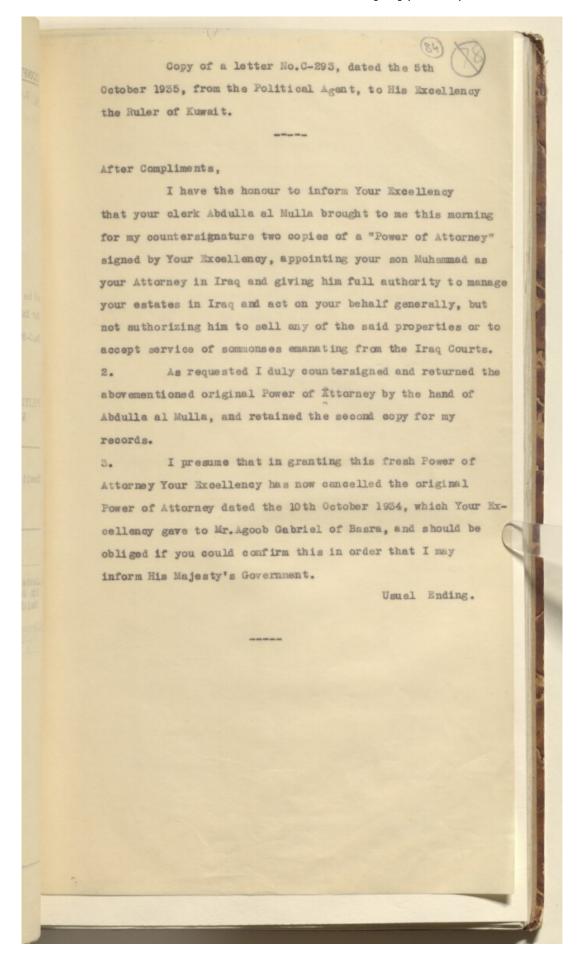


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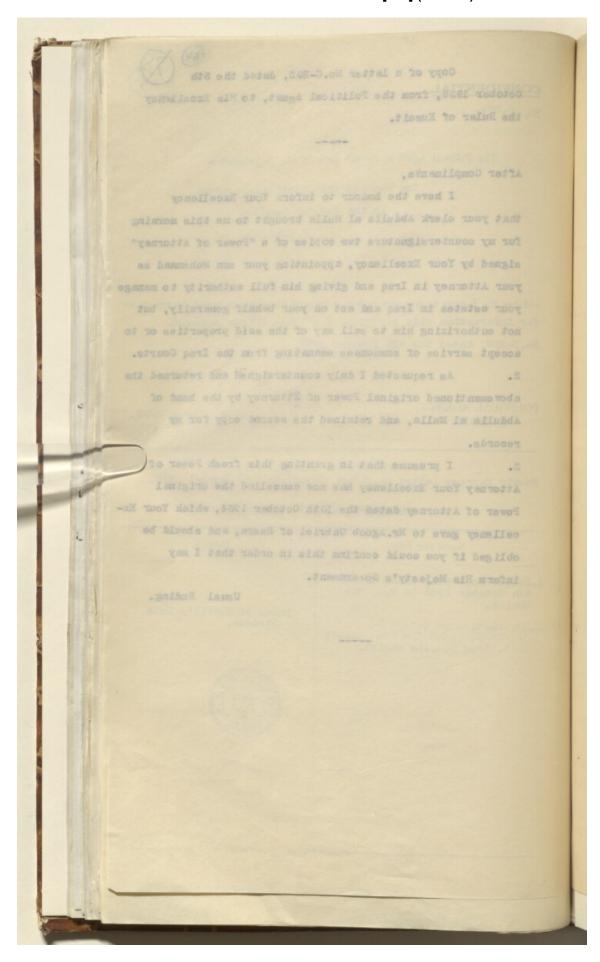


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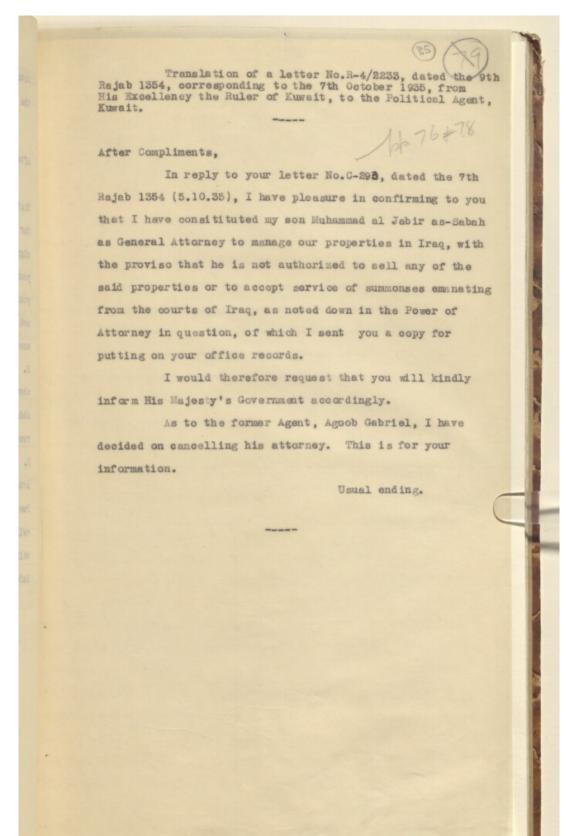


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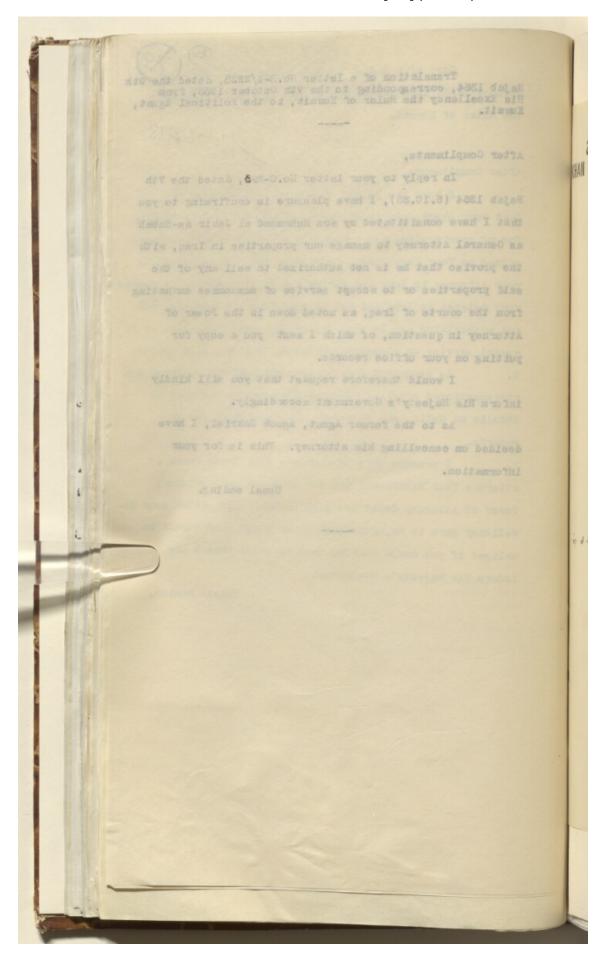
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [85r] (174/412)





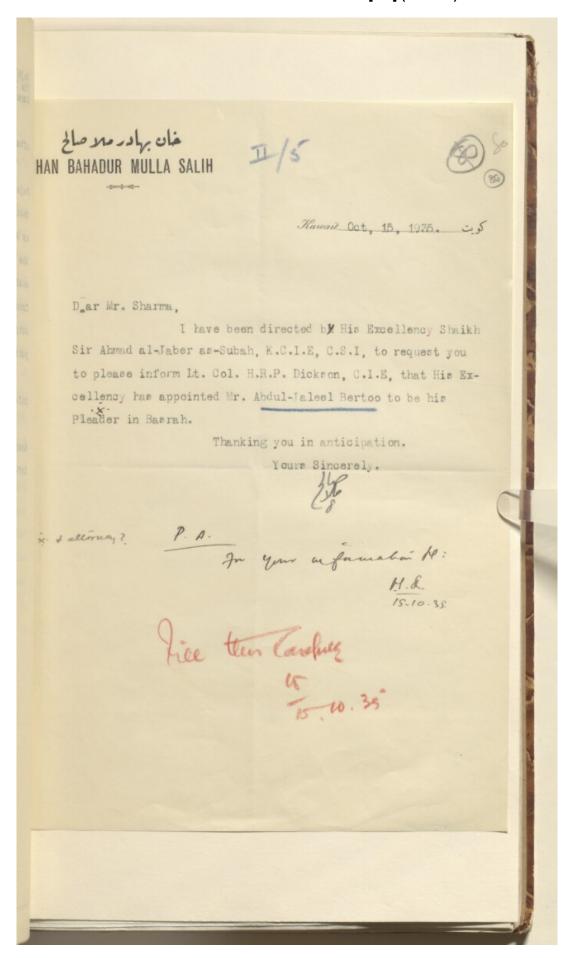


#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [85v] (175/412)



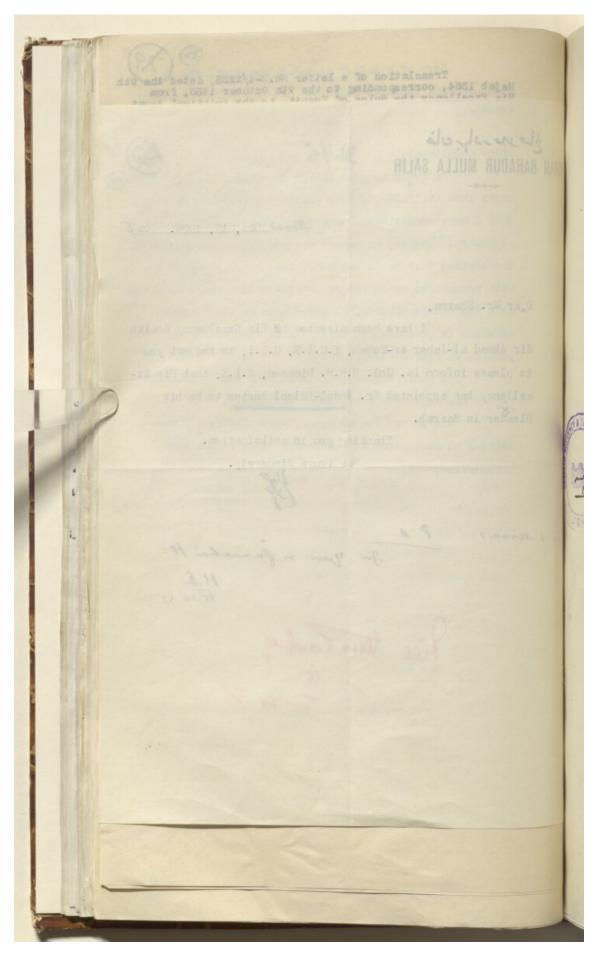
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# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [86r] (176/412)



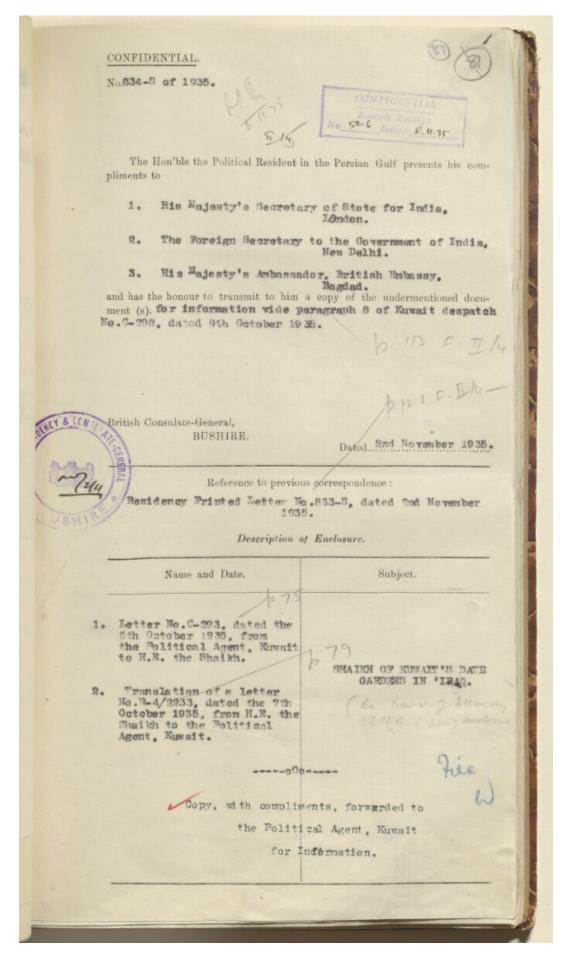






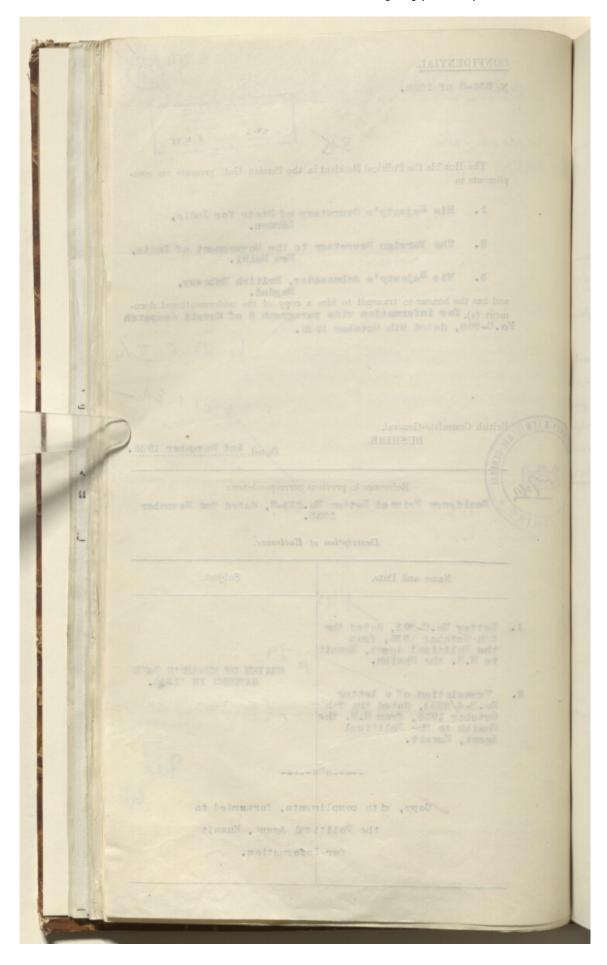
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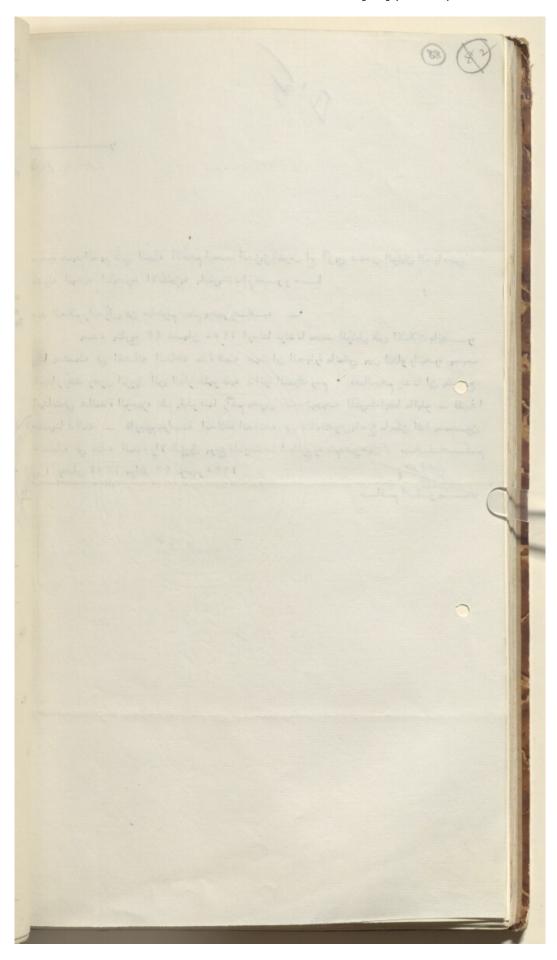


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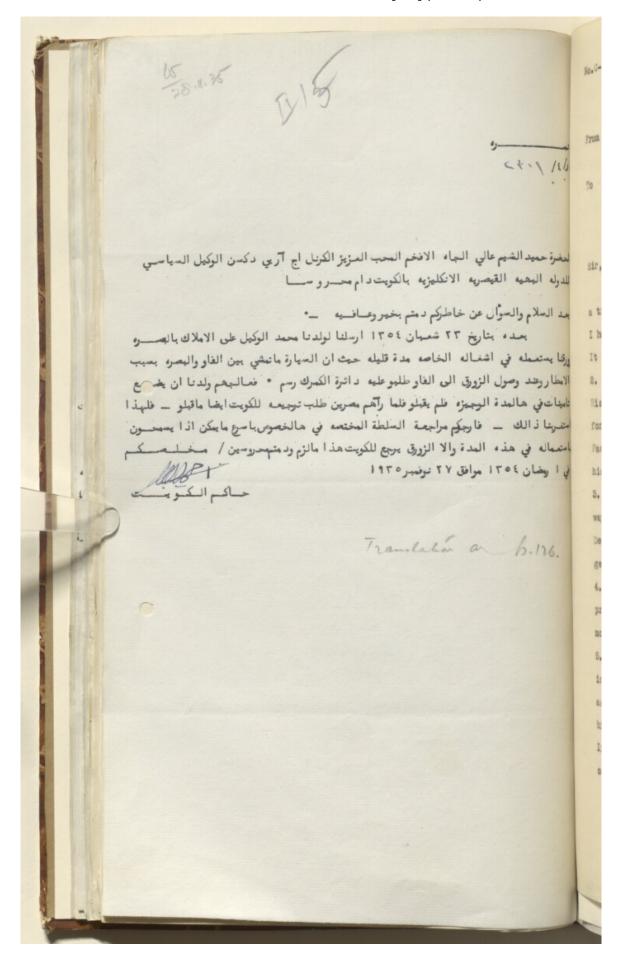


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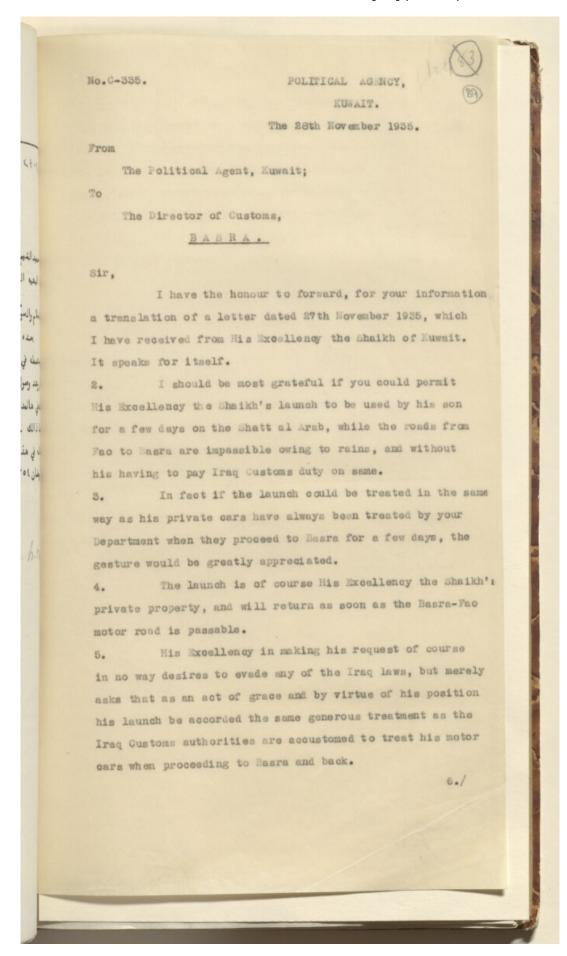






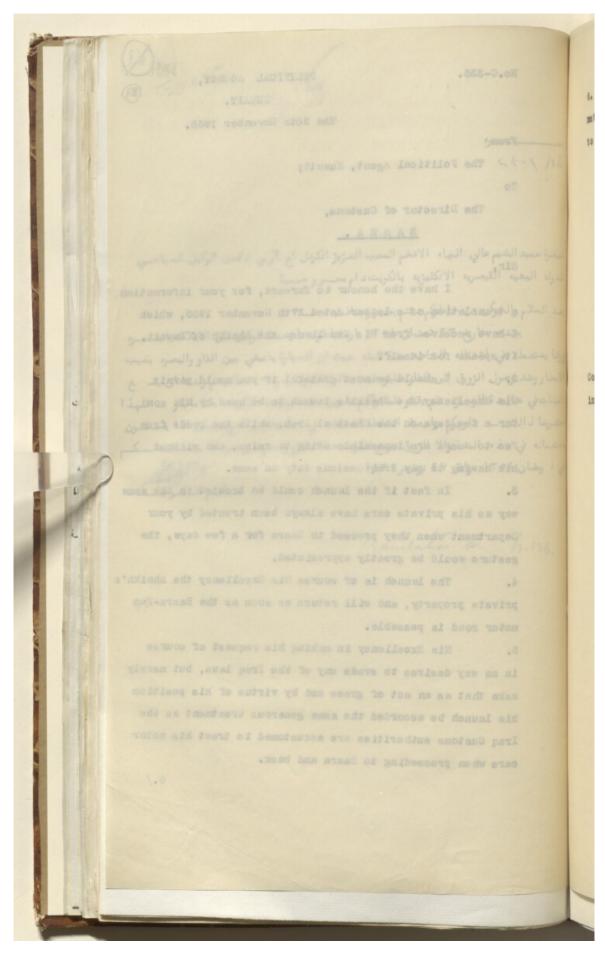
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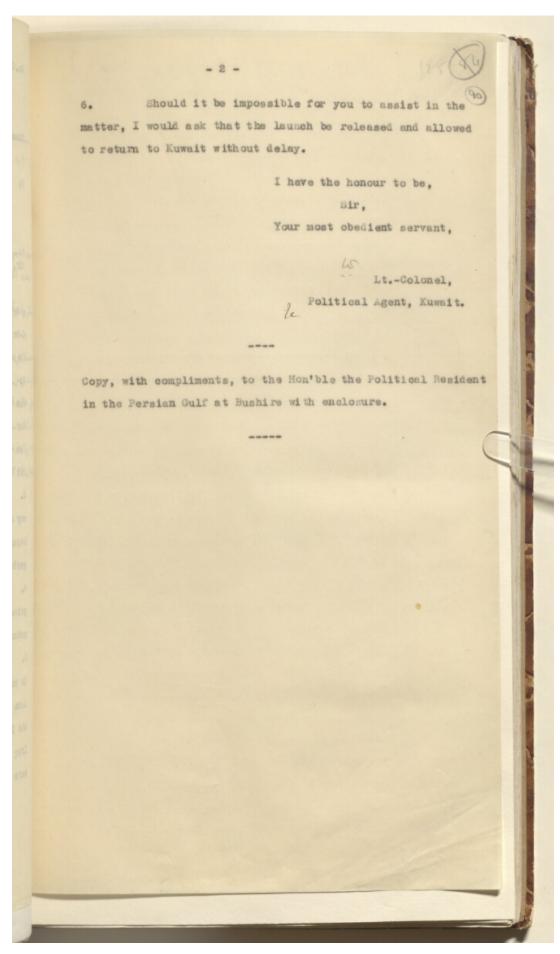






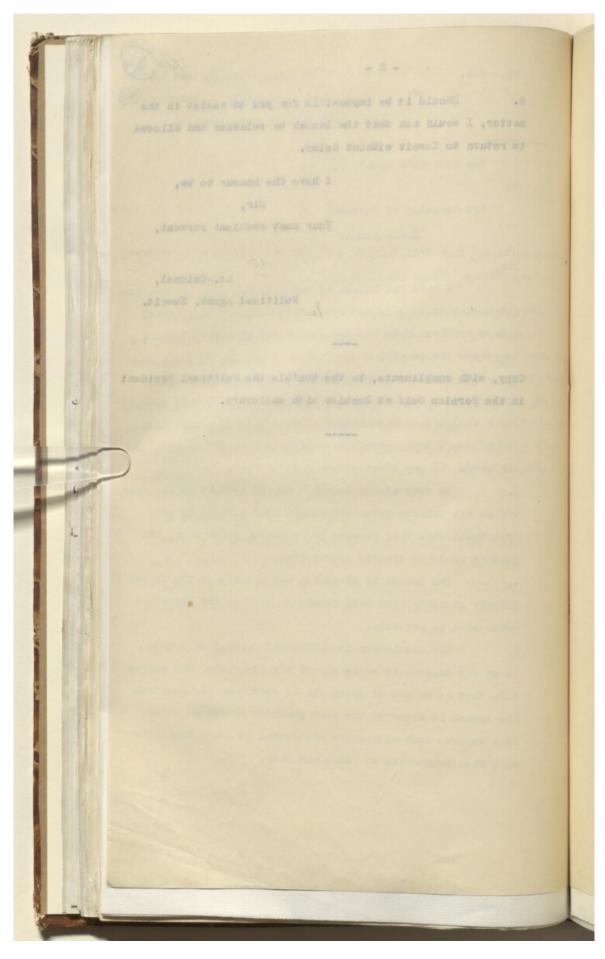
# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [90r] (184/412)











### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [91r] (186/412)



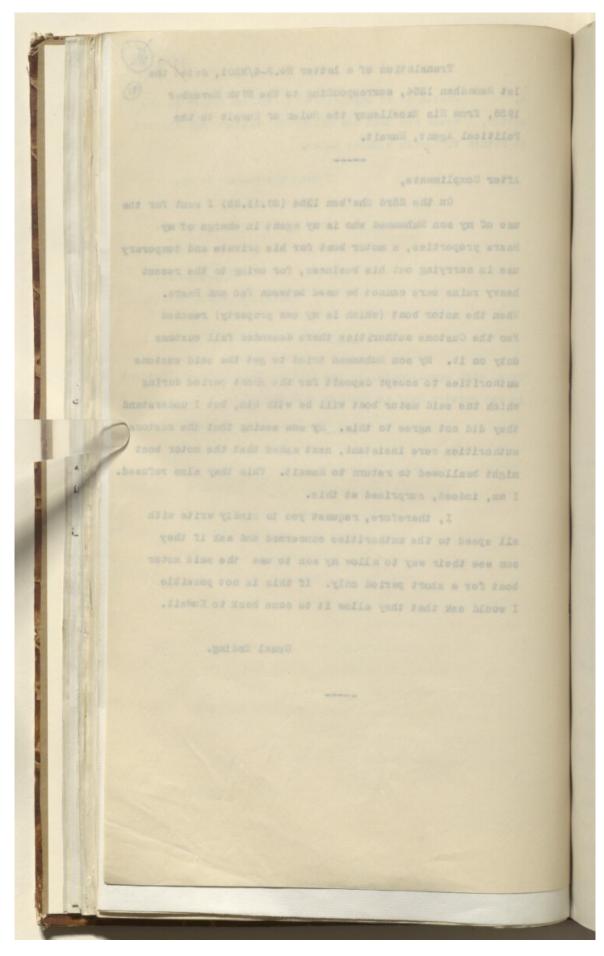
Translation of a letter No.R-4/2301, dated the 1st Ramadhan 1354, corresponding to the 27th November 1935, from His Excellency the Ruler of Kuwait to the Political Agent, Kuwait. After Compliments, On the 23rd Sha'ban 1354 (20.11.35) I sent for the use of my son Muhammad who is my agent in charge of my Basra properties, a motor boat for his private and temporary use in carrying out his business, for owing to the recent heavy rains cars cannot be used between Fao and Basra. When the motor boat (which is my own property) reached Fao the Customs authorities there demanded full customs duty on it. My son Muhammad tried to get the said customs authorities to accept deposit for the short period during which the said motor boat will be with him, but I understand they did not agree to this. My son seeing that the customs authorities were insistent, next asked that the motor boat might beallowed to return to Kuwait. This they also refused. I am, indeed, surprised at this. I, therefore, request you to kindly write with all speed to the authorities concerned and ask if they can see their way to allow my son to use the said motor boat for a short period only. If this is not possible I would ask that they allow it to come back to Kuwait. Usual Ending.

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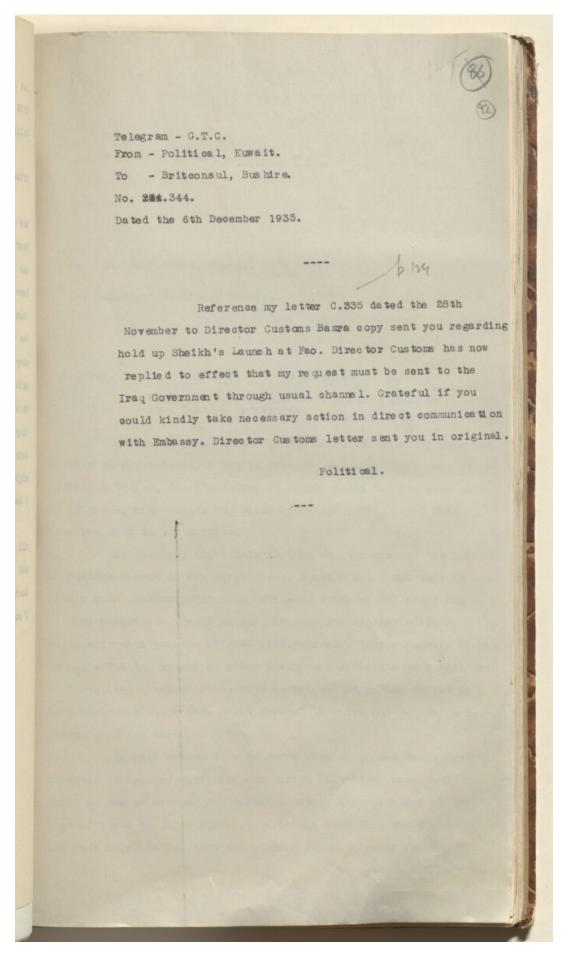
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [91v] (187/412)





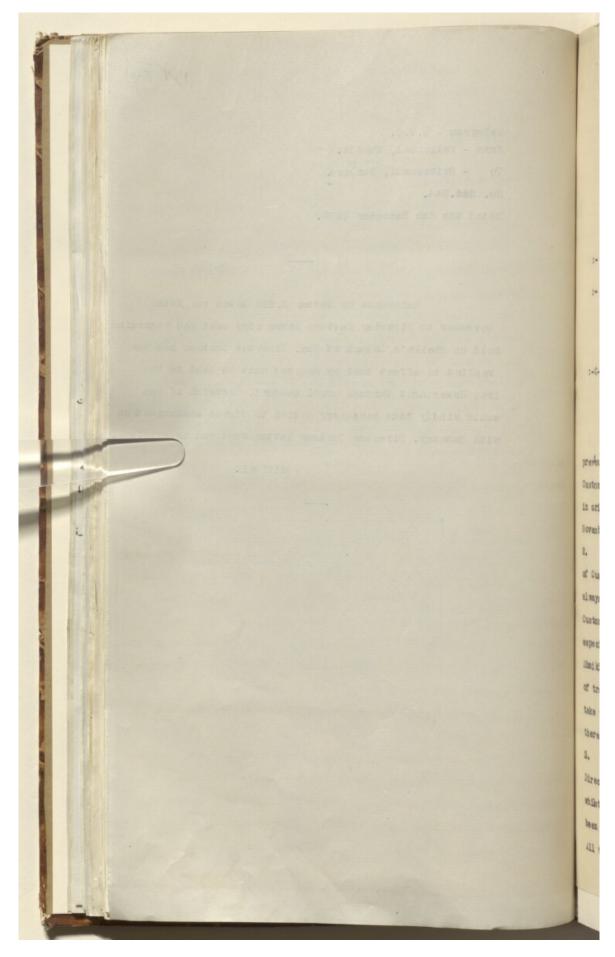
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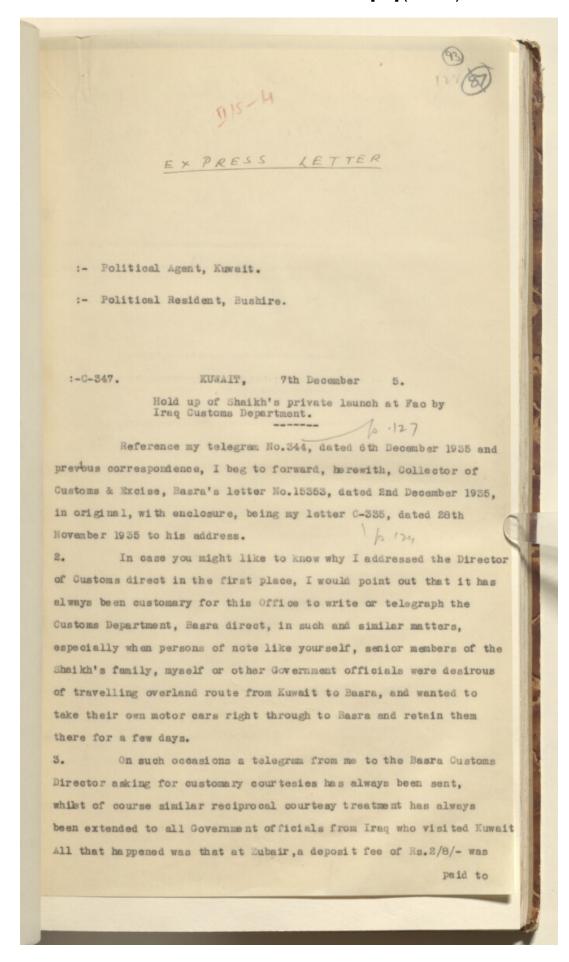






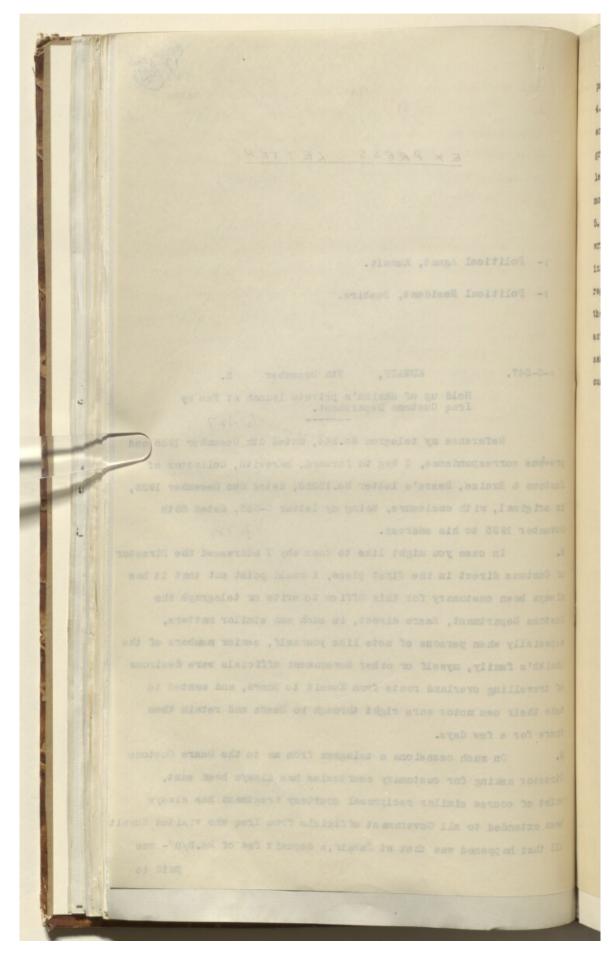
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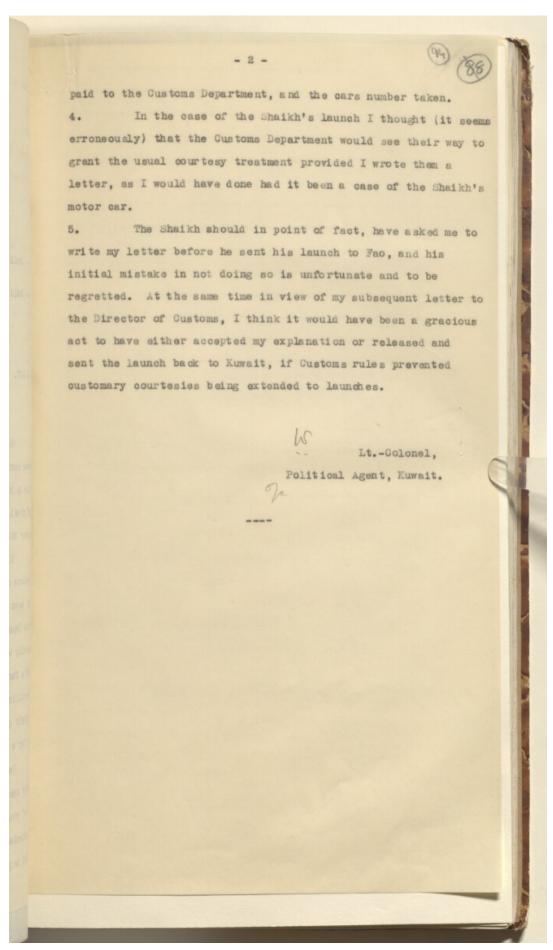






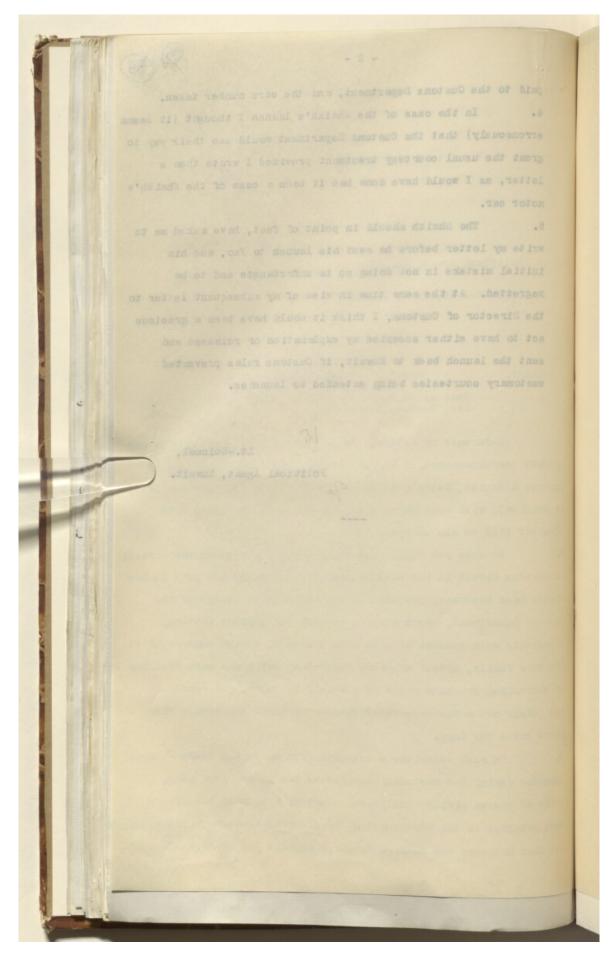
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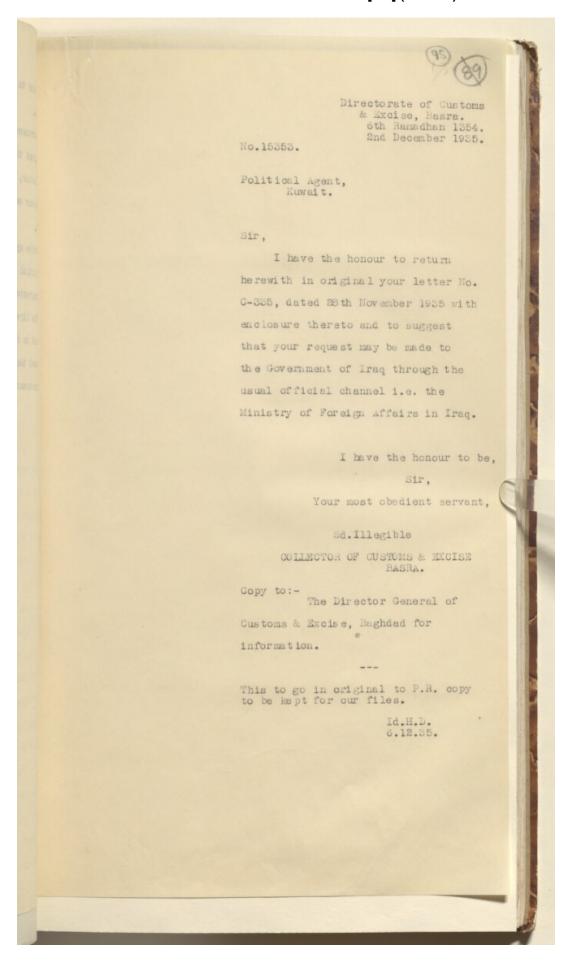






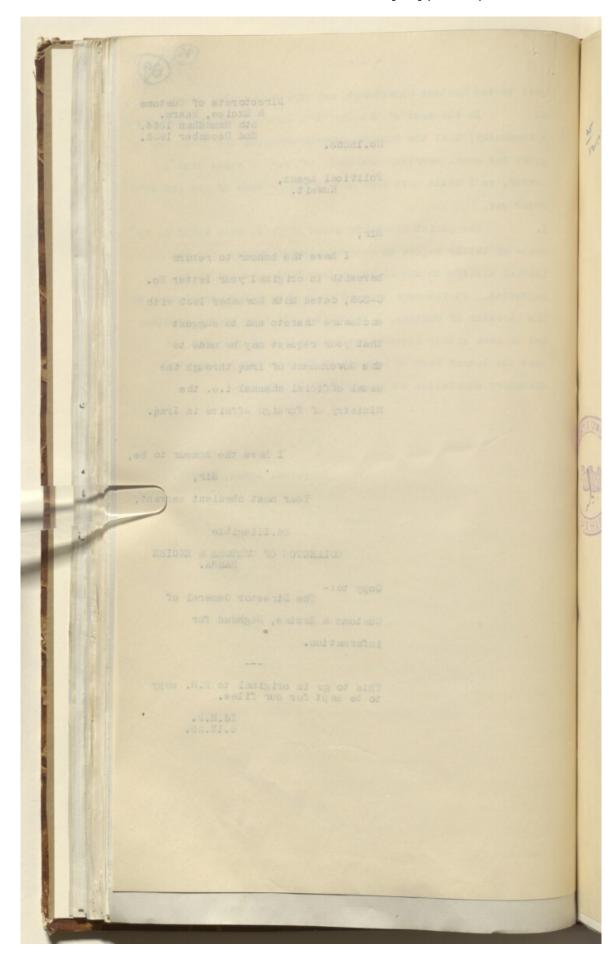
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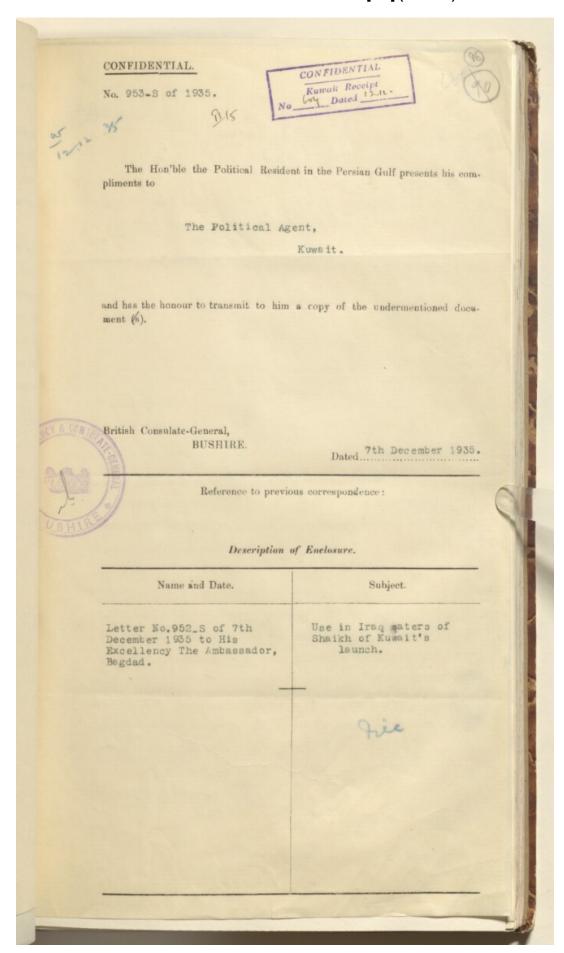


## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [95v] (195/412)



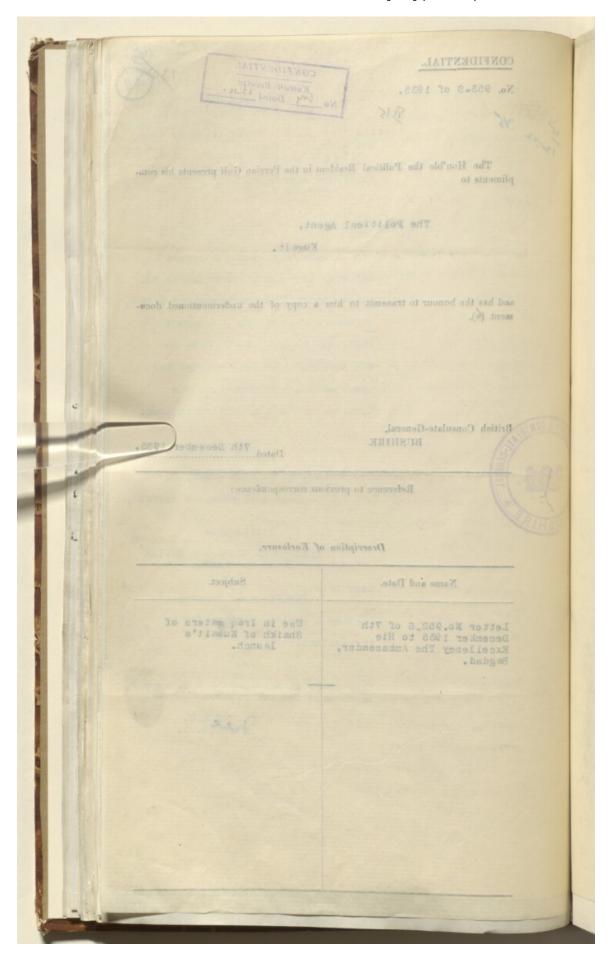


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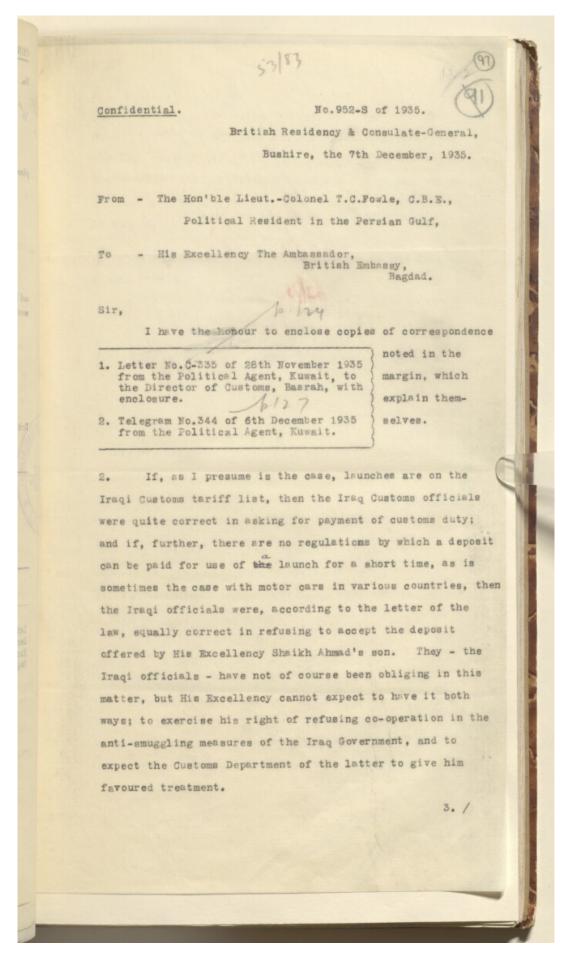


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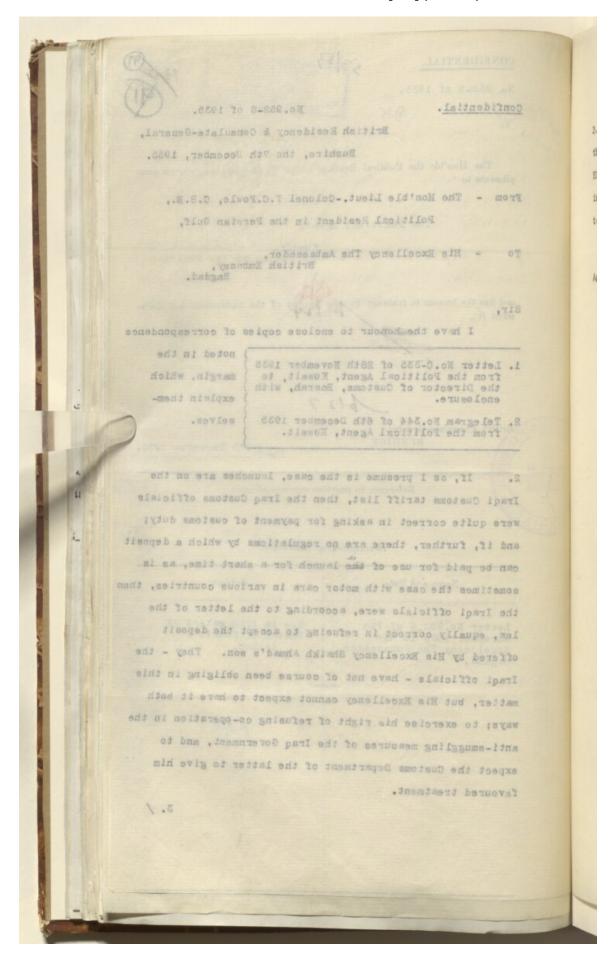


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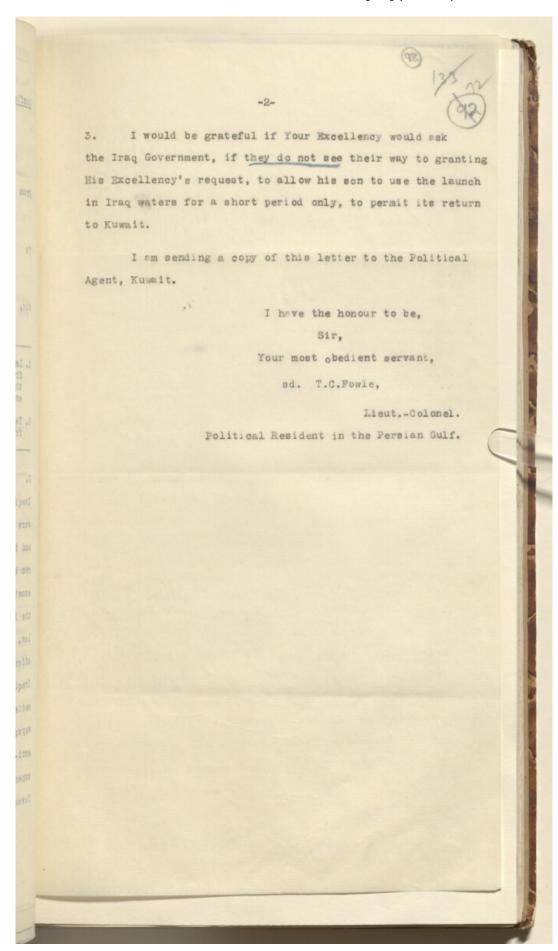




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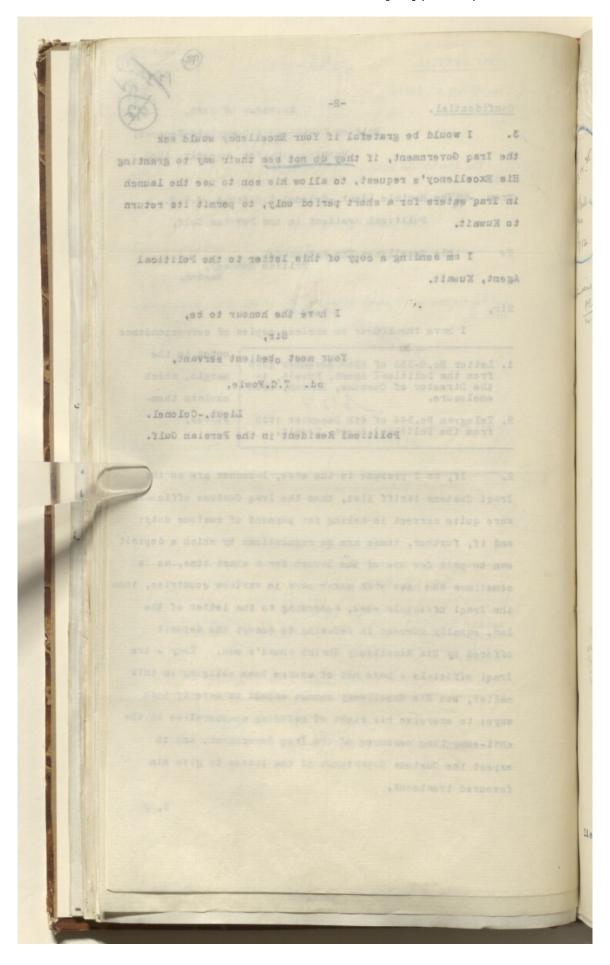


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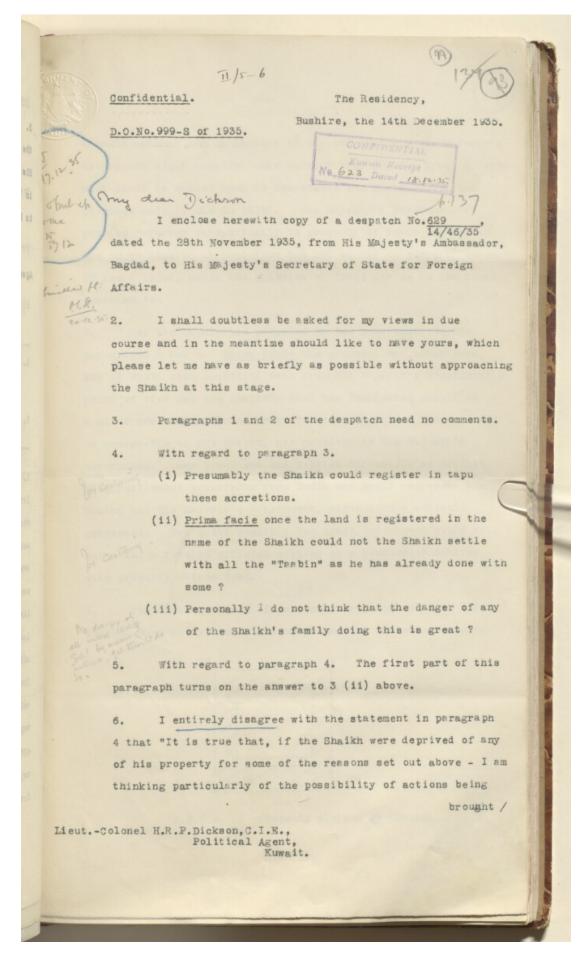


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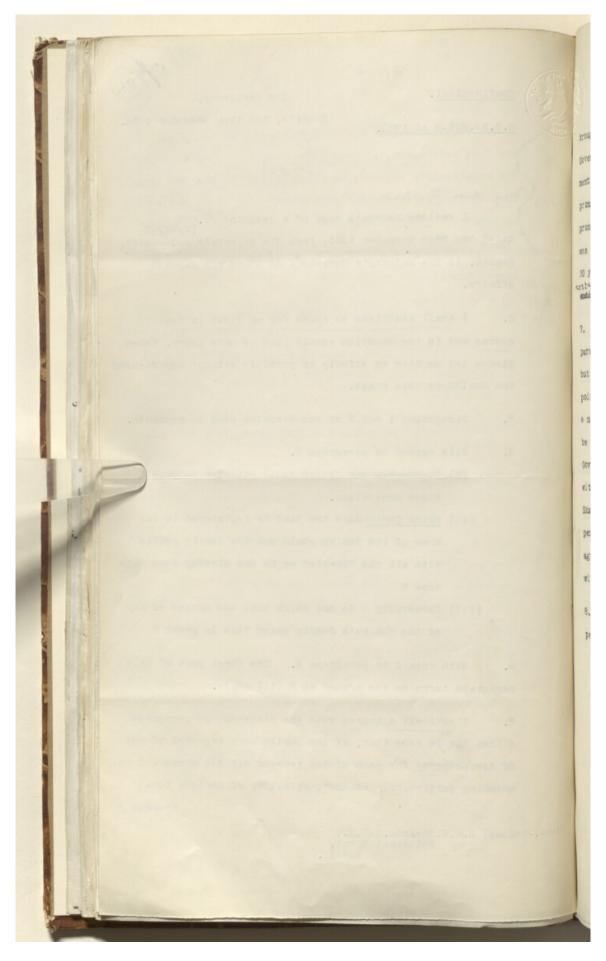
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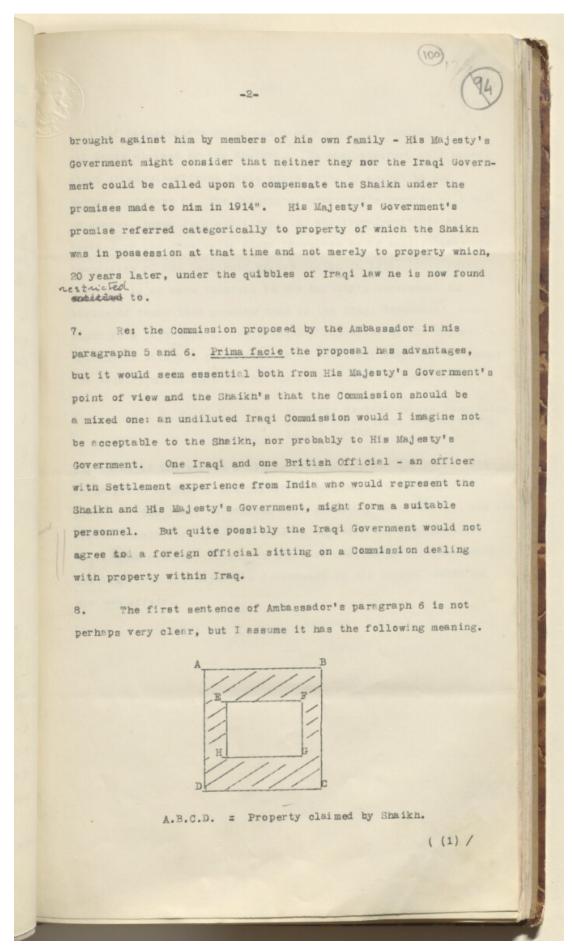






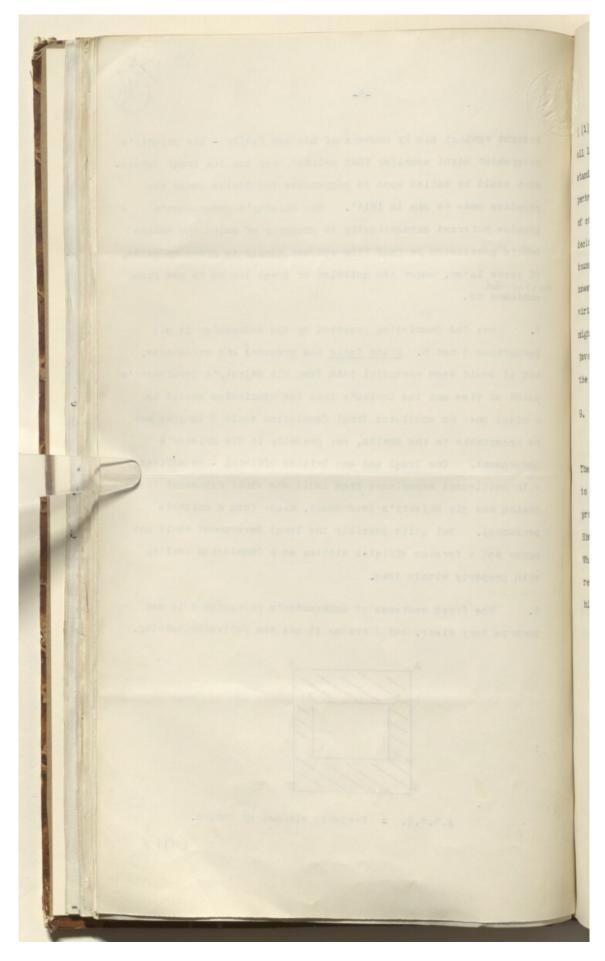
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [100r] (204/412)











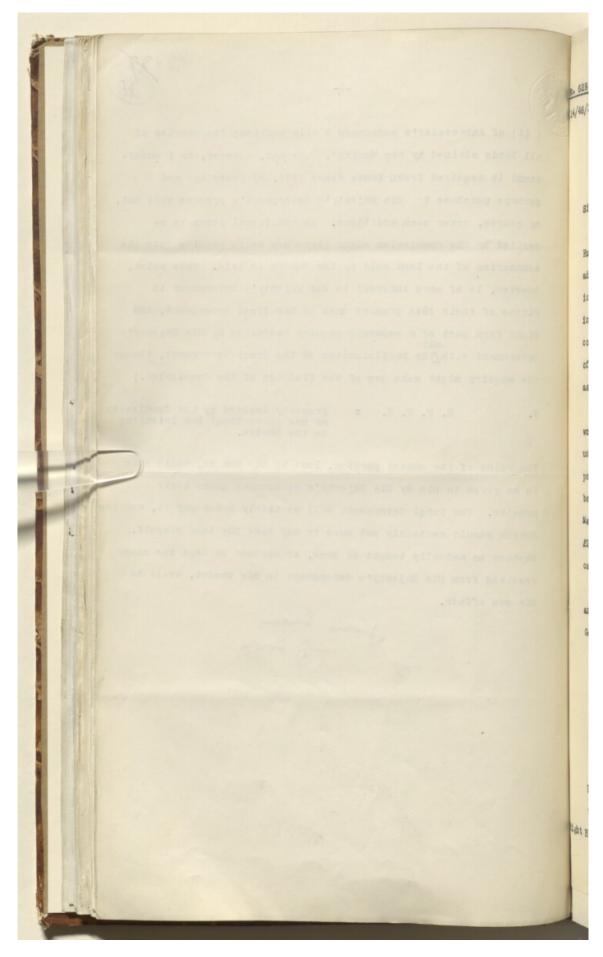
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [101r] (206/412)



-3-( (1) of Ambassador's paragraph 5 only mentions "boundaries of all lands claimed by the Shaikh". He has, however, as I understand it acquired fresh lands since 1914, by accretion and perhaps purchase ? His Majesty's Government's promise will not, of course, cover such additions. An additional point to be decided by the Commission might therefore be to enquire into the boundaries of the land held by the Shaikh in 1914. This point, however, is of more interest to His Majesty's Government in virtue of their 1914 promise than to the Iraqi Government, and might form part of a separate enquiry conducted by His Majesty's Government with the participation of the Iraqi Government, though the enquiry might make use of the findings of the Commission.) Property decided by the Commission as now under Iraqi law belonging E. F. G. H. = 9. to the Shaikh. The value of the snaded portion, lost by the Shaikh, would have to be given to him by His Majesty's Government under their promise. The Iraqi Government will certainly never pay it, and the Shaikh should certainly not have to buy back the land himself. Whether he actually bought it back, or whether he kept the money received from His Majesty's Government in his pocket, would be his own affair. yours Sweing







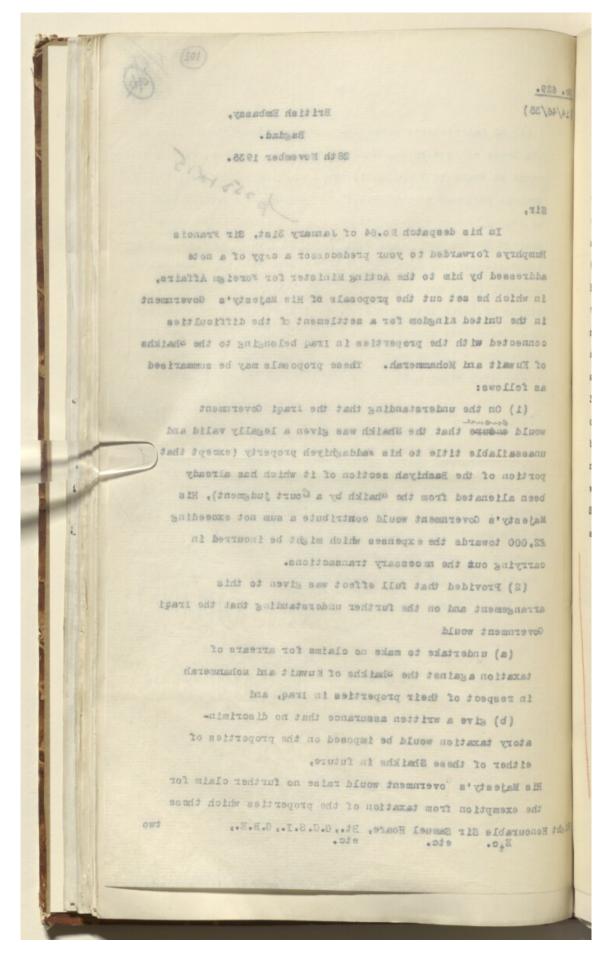
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [102r] (208/412)



102 b. 629. 14/46/35) British Embassy, Bagdad. 28th November 1935. 16753 rol 5 Sir, In his despatch No.64 of January 31st, Sir Francis Humphrys forwarded to your predecessor a copy of a note addressed by him to the Acting Minister for Foreign Affairs. in which he set out the proposals of His Majesty's Government in the United Kingdom for a settlement of the difficulties connected with the properties in Iraq belonging to the Shaikhs of Kuwait and Mohammerah. These proposals may be summarised as follows: (1) On the understanding that the Iraqi Government would endure that the Shaikh was given a legally valid and unassailable title to his Faddaghiyeh property (except that portion of the Bashiyah section of it which has already been alienated from the Shaikh by a Court judgment), His Majesty's Government would contribute a sum not exceeding £2,000 towards the expenses which might be incurred in carrying out the recessary transactions. (2) Provided that full effect was given to this arrangement and on the further understanding that the Iraqi Government would (a) undertake to make no claims for arrears of taxation against the Shaikhs of Kuwait and Mohammerah in respect of their properties in Iraq, and (b) give a written assurance that no discriminatory taxation would be imposed on the properties of either of these Shaikhs in future, His Majesty's overnment would raise no further claim for the exemption from taxation of the properties which these two ight Honourable Sir Samuel Hoare, Bt., G.C.S.I., G.B.E., E,c. etc. etc.

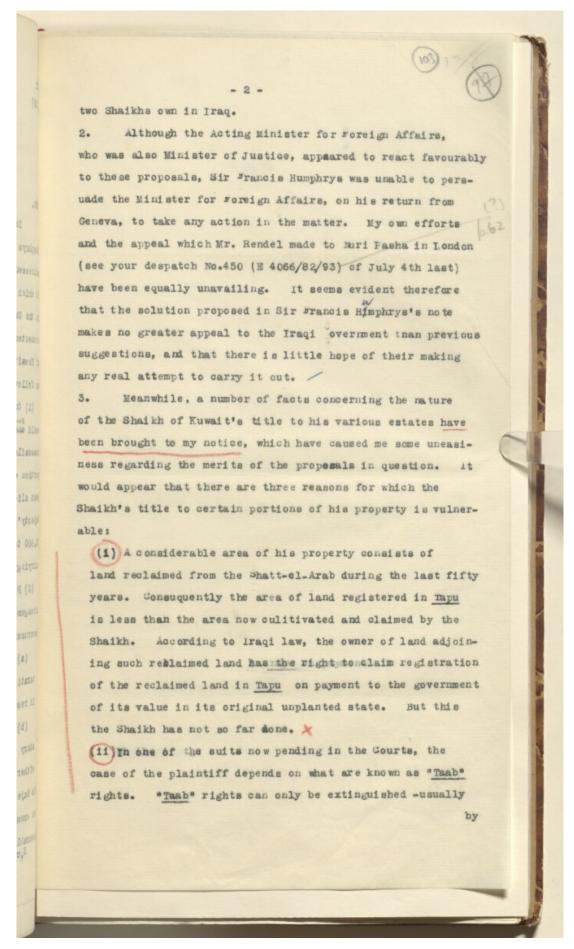


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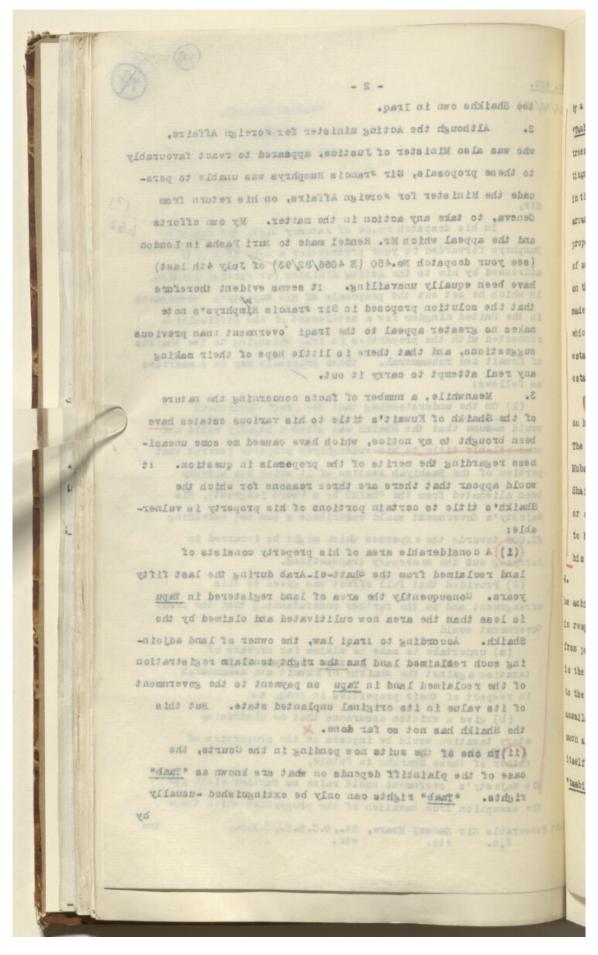
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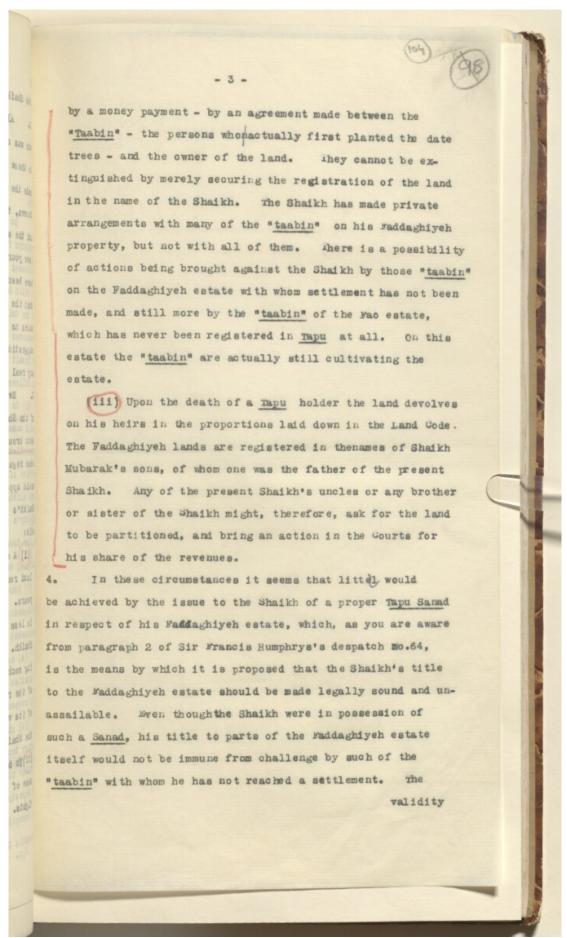
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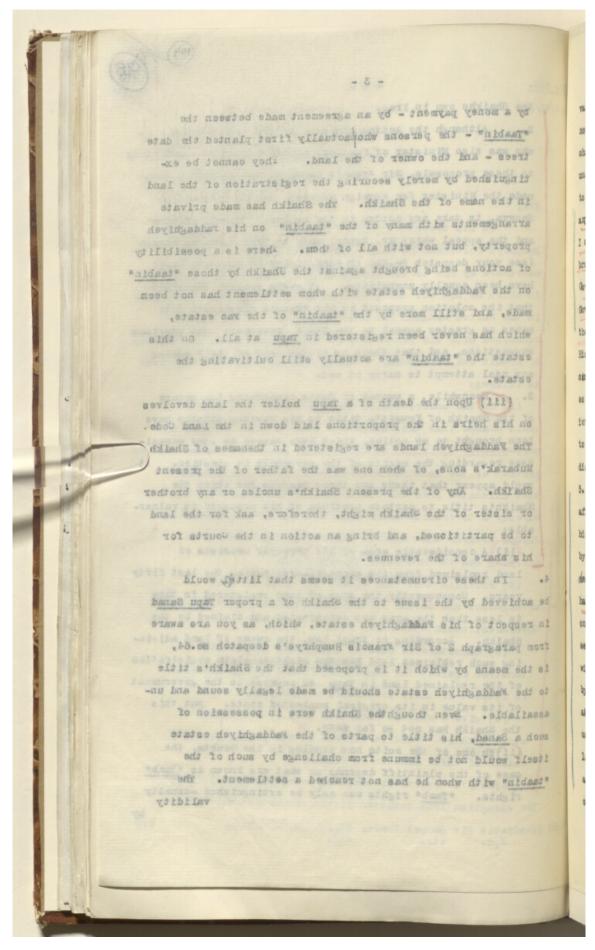
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### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [104v] (213/412)





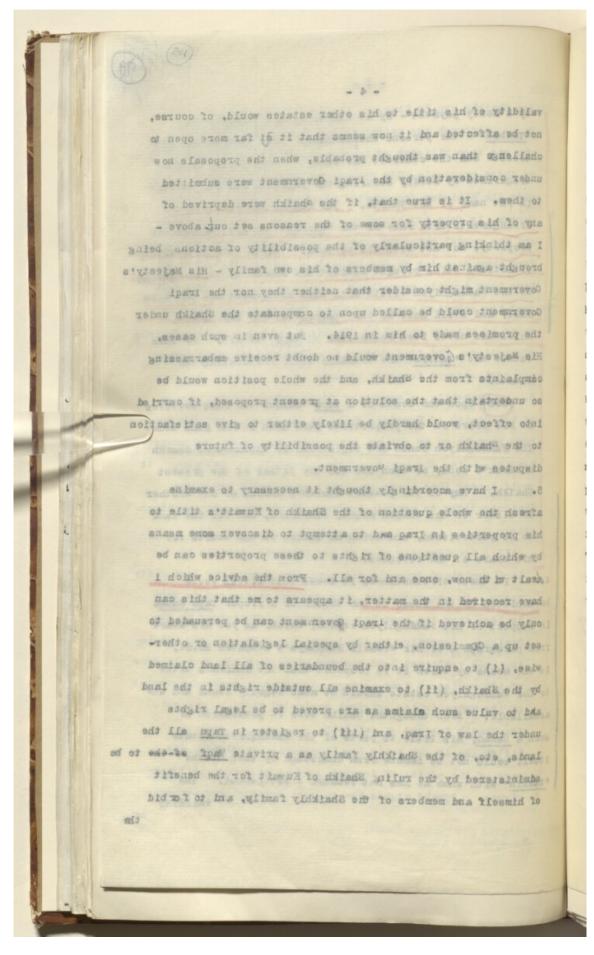
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [105r] (214/412)



- 4 -NE SW validity of his title to his other estates would, of course, not be affected and it now seems that it at far more open to THEB. challenge than was thought probable, when the proposals now toget ! under consideration by the Iraqi Government were submitted to them. It is true that, if the shaikh were deprived of any of his property for some of the reasons set our above -I am thinking particularly of the possibility of actions being brought against him by members of his own family - His Majesty's Government might consider that neither they nor the Iraqi Government could be called upon to compendate the Shaikh under the promises made to him in 1914. But even in such cases, His Majesty's Government would no doubt receive embarrassing complaints from the Shaikh, and the whole position would be so undertain that the solution at present proposed, if carried into effect, would hardly be likely either to give satisfaction to the Shaikh or to obviate the possibility of future disputes with the Iraqi Government. I have accordingly thought it necessary to examine afresh the whole question of the Shaikh of Kuwait's title to his properties in Iraq and to attempt to discover some means by which all questions of rights to these properties can be dealt with now, once and for all. From the advice which I have received in the matter, it appears to me that this can only be achieved if the Iraqi Government can be persuaded to set up a Cimmission, either by special legislation or otherwise, (i) to enquire into the boundaries of all land claimed by the Shaikh, (ii) to examine all outside rights in the land and to value such alaims as are proved to be legal rights under the law of Iraq, and (iii) to register in Tapu all the lands, etc, of the Shaikhly family as a private Waqf of-the to be 201 1D administered by the ruling Shaikh of Kuwait for the benefit 世世 of himself and members of the Shaikhly family, and to forbid the

### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [105v] (215/412)





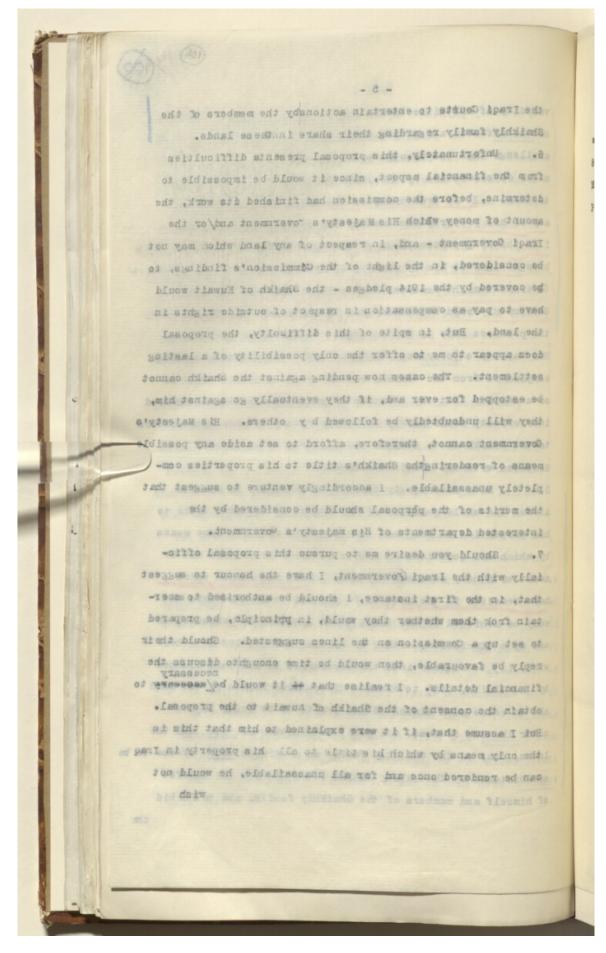
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [106r] (216/412)



(106) - 5 the Iraqi Courts to entertain actions by the members of the 14 165 Shaikhly family regarding their share innthese lands. SHIP Unfortunately, this proposal presents difficulties from the financial aspect, since it would be impossible to \*B10 determine, before the commission had finished its work, the amount of money which His Majesty's "overnment and/or the did as Iraqi Government - and, in respect of any land which may not be considered, in the light of the Cimmission's findings, to be covered by the 1914 pledges - the Shaikh of Kuwait would have to pay as compensation in respect of outside rights in mora is the land, But, in spite of this difficulty, the proposal stal E does appear to me to offer the only possibility of a lasting settlement. The cases now pending against the Shaikh cannot be estopped for ever and, if they eventually go against him, trader : they will undoubtedly be followed by others. His Majesty's Government cannot, therefore, afford to set aside any possible means of renderingthe Shaikh's title to his properties completely unassailable. I accordingly venture to suggest that the merits of the porposal should be considered by the interested departments of His Majesty's Government. Should you desire me to pursue this proposal officially with the Iraqi Government, I have the honour to suggest 世北加 that, in the first instance, I should be authorised to ascer-SOST IN tain frok them whether they would, in ppinciple, be prepared 日的沙 to set up a Commission on the lines suggested. 直印 reply be favourable, then would be time enoughto discuss the financial details. I realise that 46 it would be / messeary to obtain the consent of the Shaikh of Kuwait to the proposal. ET OF But I assume that, if it were explained to him that this is the only means by which his title to all his property in Iraq can be rendered once and for all unassailable, he would not wi sh (apat)

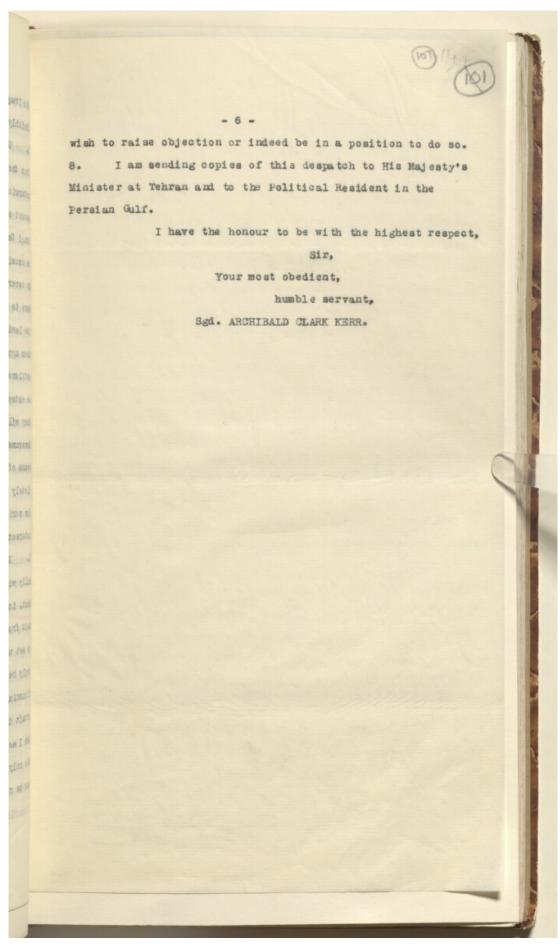
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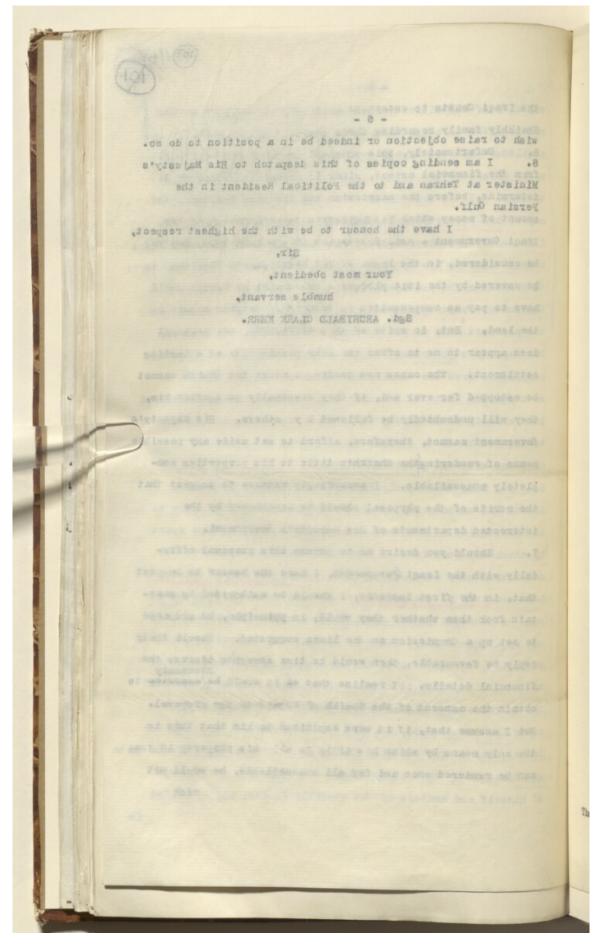
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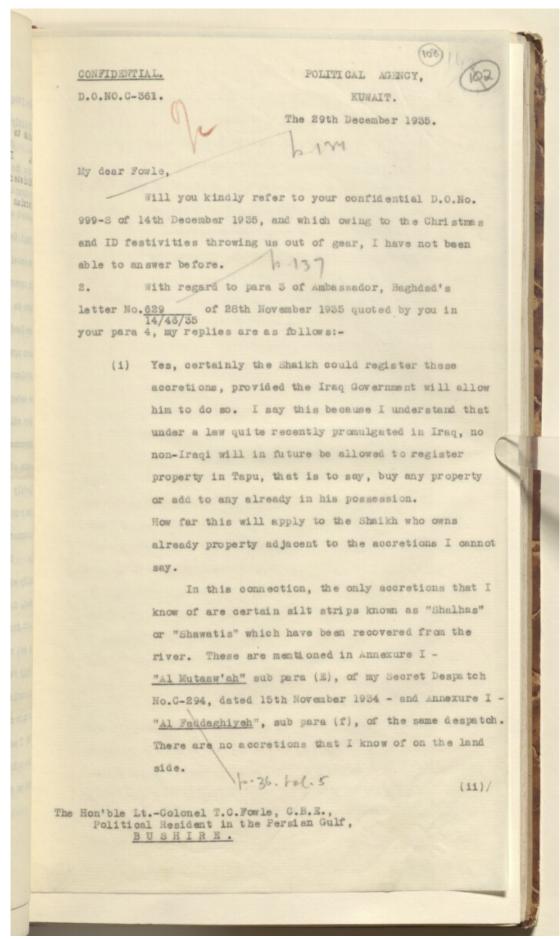
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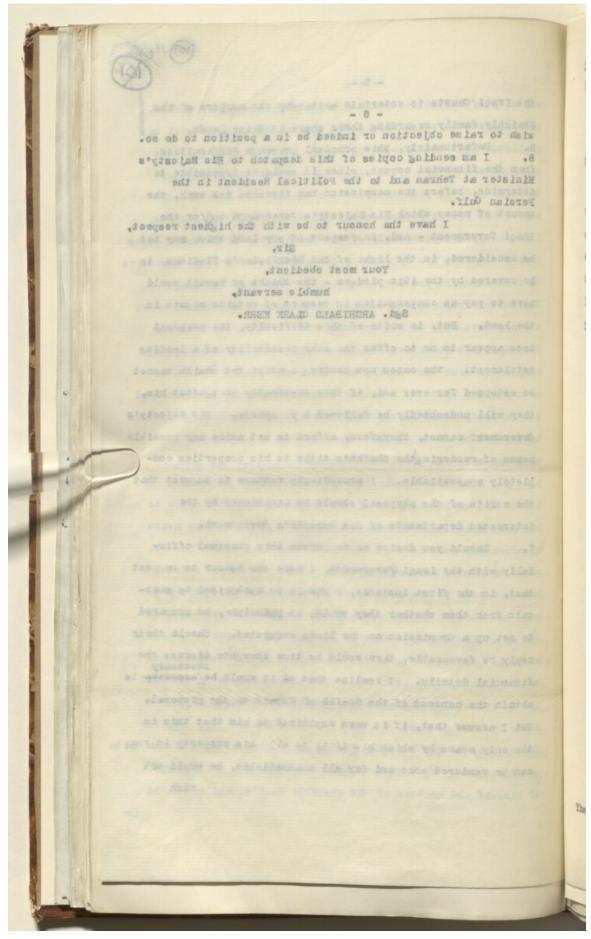
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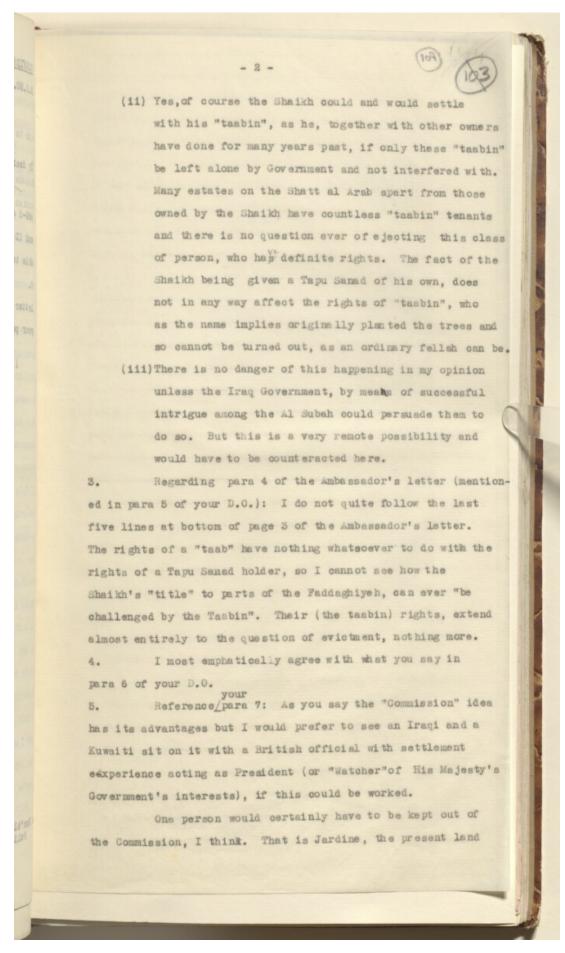
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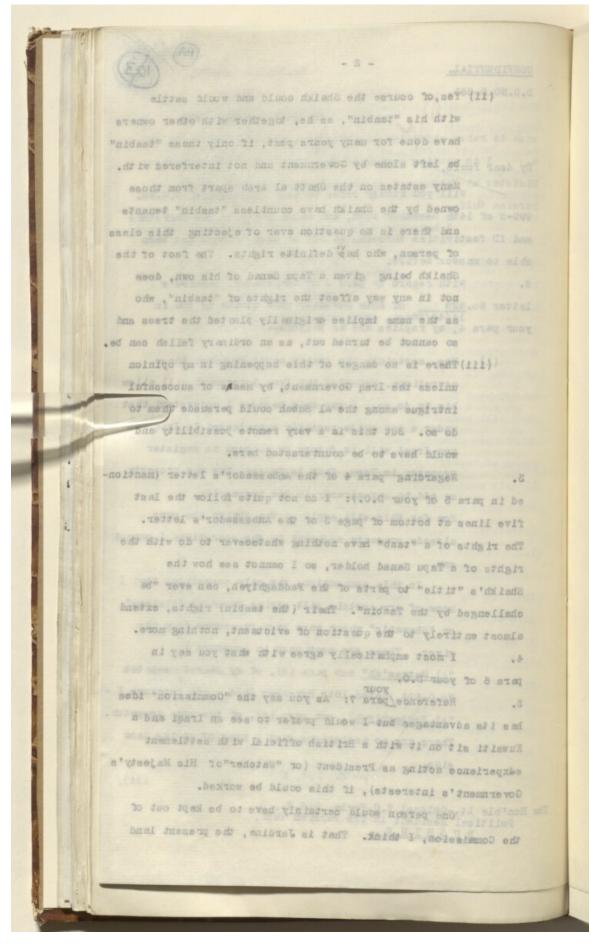
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#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [109v] (223/412)





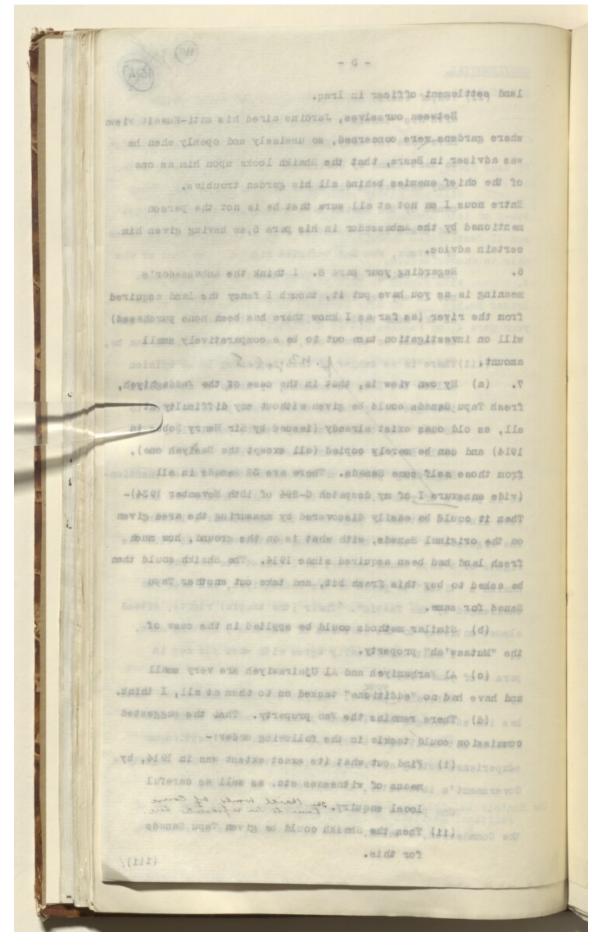
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [110r] (224/412)



(no) land settlement officer in Iraq. Between ourselves, Jardine aired his anti-Kuwait views where gardens were concerned, so unwisely and openly when he was adviser in Basra, that the Shaikh looks upon him as one of the chief enemies behind all his garden troubles. Entre nous I am not at all sure that he is not the person mentioned by the Ambassador in his para 5, as having given him certain advice. Regarding your para 8. I think the Ambassador's meaning is as you have put it, though I fancy the land acquired from the river (as far as I know there has been none purchased) will on investigation turn out to be a comparatively small 1.43 406.5 7. (a) My own view is, that in the case of the Faddaghiyeh. fresh Tapu Sanads could be given without any difficulty at all, as old ones exist already (issued by Sir Henry Dobbs in 1914) and can be merely copied (all except the Basiyeh one), from those self same Sanads. There are 32 Sanads in all (vide annexure I of my despatch C-294 of 15th November 1934)-Then it could be easily discovered by measuring the area given on the original Sanads, with what is on the ground, how much fresh land had been acquired since 1914. The Shaikh could then be asked to buy this fresh bit, and take out another Tapu Sanad for same. (b) Similar methods could be applied in the case of the "Mutaaw'sh" property. (c) Al Farhaniyeh and Al Ujairawiyeh are very small and have had no "additions" tacked on to them at all, I think. (d) There remains the Fao property. They the suggested commission could tackle in the following order:-(i) Find out what its exact extent was in 1914, by means of witnesses etc. as well as careful local enquiry. The Shark works of Course (ii) Then the Shaikh could be given Tapu Sanads for this. (111)/

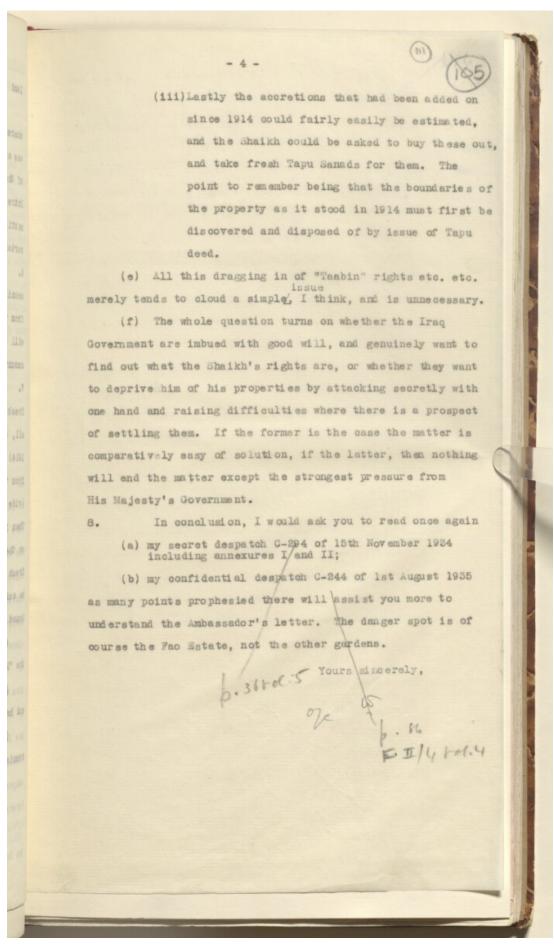
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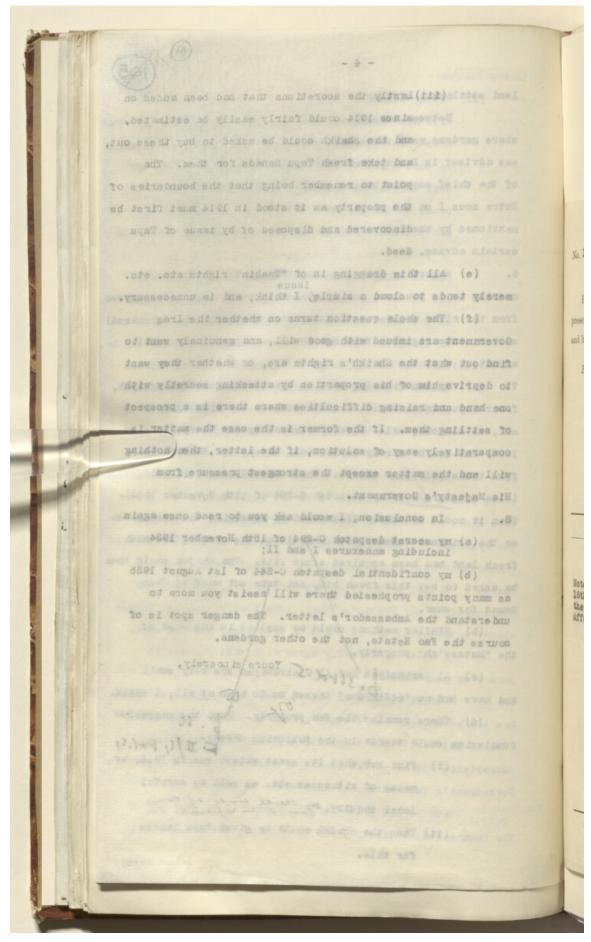
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#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [111v] (227/412)





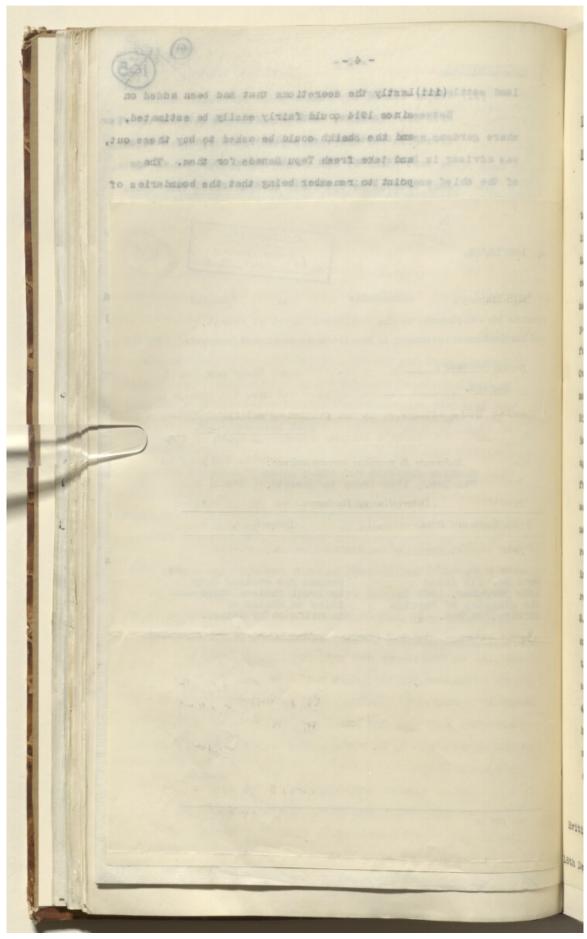




No. 169/18/35.  HIS Majesty's Ambassador at Bagdad presents his compliments to the Political Agent at Kuwait, and has the honour to transmit to him the under-mentioned documents.  British Embassy, Bagdad.  18th December, 1985.  Reference to previous correspondence: Bushire despatch No. 988-55 dated 7th Dece, 1985 (copy to Kuwait).  Description of Enclosure.  Name and Date.  Subject.  Name and Date.  Subject.  Demand for customs duty by Iraqi customs duty by Iraqi customs authorities on Shaikh of Kuwait's motor launch.  Cul Super State (s)  Late of the Ministry of Foreign Affairs, Bagdad.  Subject Su		
HIS Majesty's Ambassador at Bagdad presents his compliments to the Political Agent at Kuwait, and has the honour to transmit to him the under-mentioned documents.  British Embassy.  Bagdad.  18th December, 1935.  Reference to previous correspondence: Bushire despatch No. 952-8 dated 7th Dec., 1935 (copy to Kuwait).  Description of Enclosure.  Name and Date.  Subject.  Name and Date.  Demand for customs duty by Iraqi customs authorities on Shaikh of Kuwait's motor launch.  Supplied the Ministry of Foreign Affairs, Bagdad.  Subject.  Subject.  Subject.  Subject.		
HIS Majesty's Ambassador at Bagdad presents his compliments to the Political Agent at Kuwait, and has the honour to transmit to him the under-mentioned documents.  British Embassy.  Bagdad.  18th December, 1935.  Reference to previous correspondence: Bushire despatch No. 952-8 dated 7th Dec., 1935 (copy to Kuwait).  Description of Enclosure.  Name and Date.  Subject.  Name and Date.  Demand for customs duty by Iraqi customs authorities on Shaikh of Kuwait's motor launch.  Supplied the Ministry of Foreign Affairs, Bagdad.  Subject.  Subject.  Subject.  Subject.		
HIS Majesty's Ambassador at Bagdad presents his compliments to the Political Agent at Kuwait, and has the honour to transmit to him the under-mentioned documents.  British Embassy.  Bagdad.  18th December, 1985.  Reference to previous correspondence: Bushire despatch No. 952-5 dated 7th Dec., 1935 (copy to Kuwait).  Description of Enclosure.  Name and Date.  Subject.  Note No. 618 dated 18th December, 1935 to the Ministry of Foreign Affairs, Bagdad.  Demand for customs duty by Iraqi customs author- ities on Shaikh of Kuwait's motor launch.  Curl Cuylin Redease  The Color of Shaikh of Kuwait's motor launch.		
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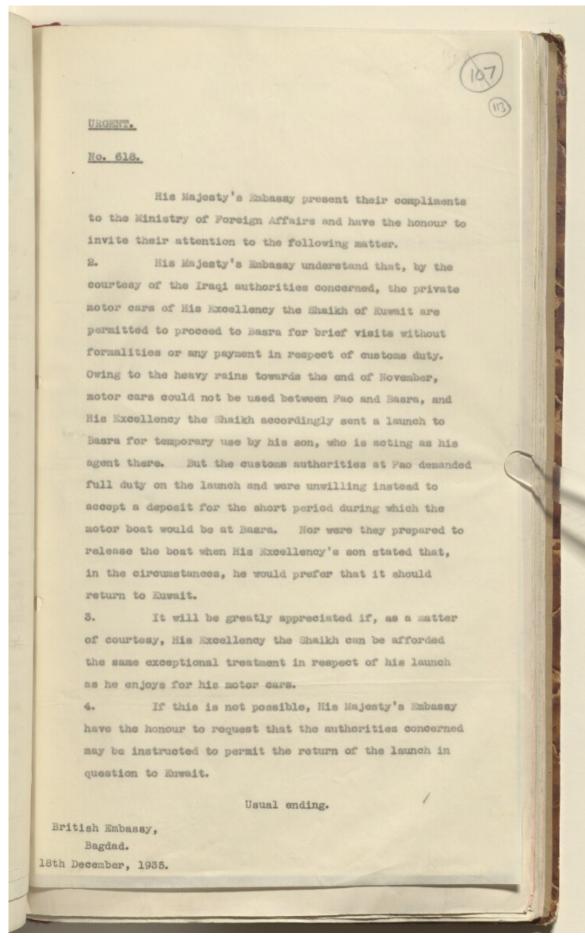
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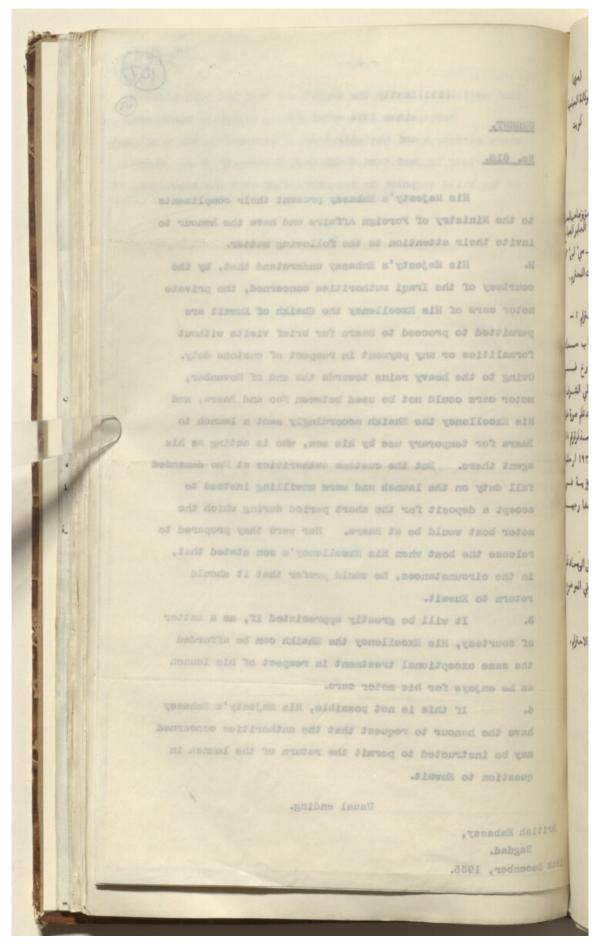
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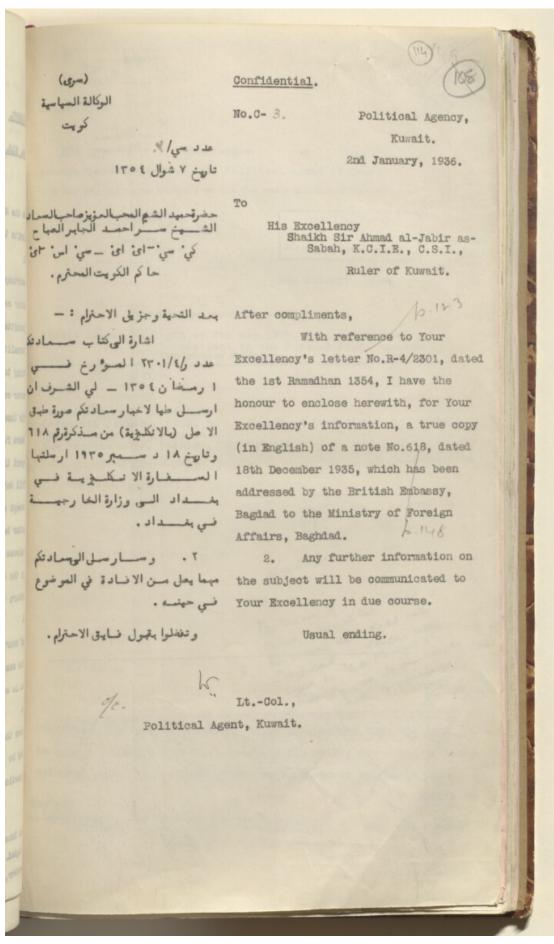
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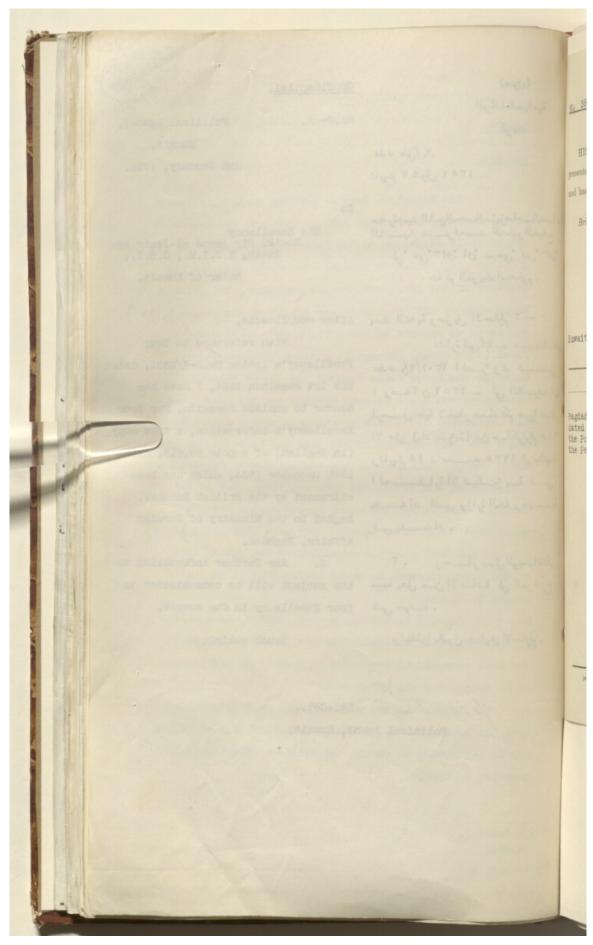
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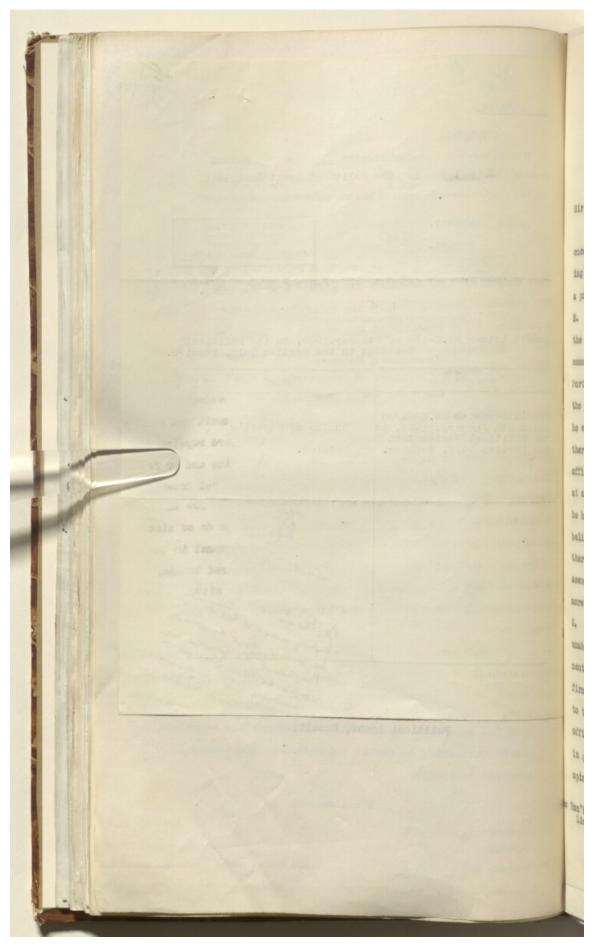
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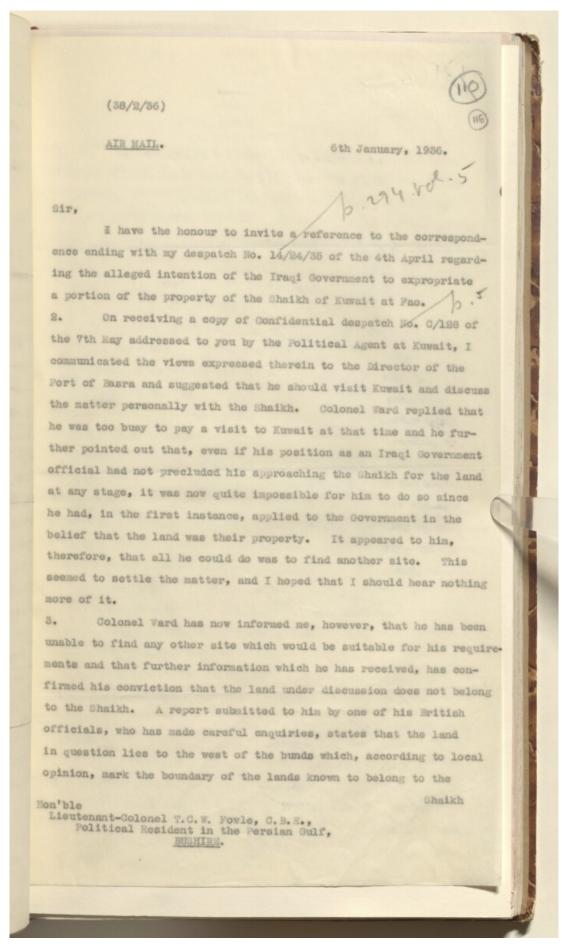
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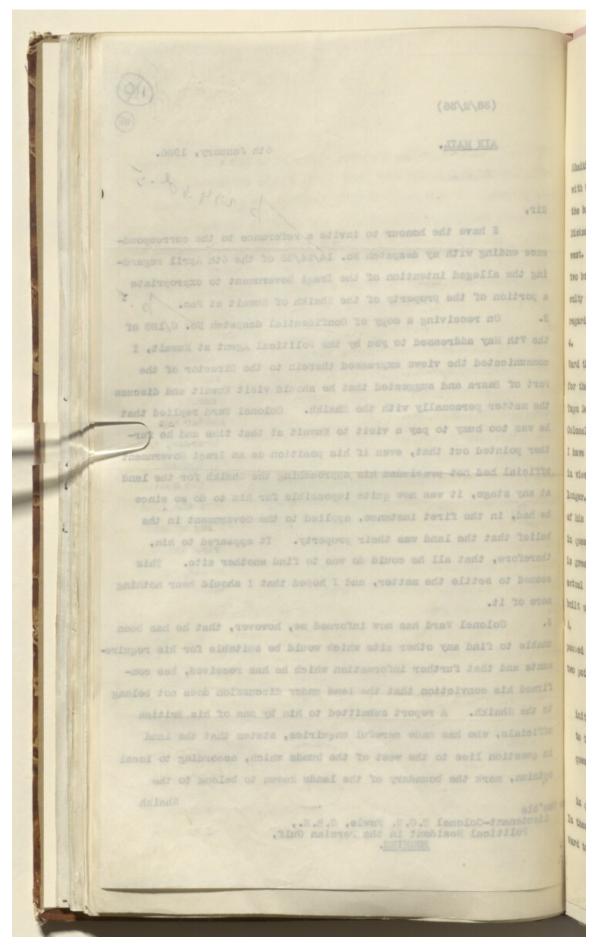
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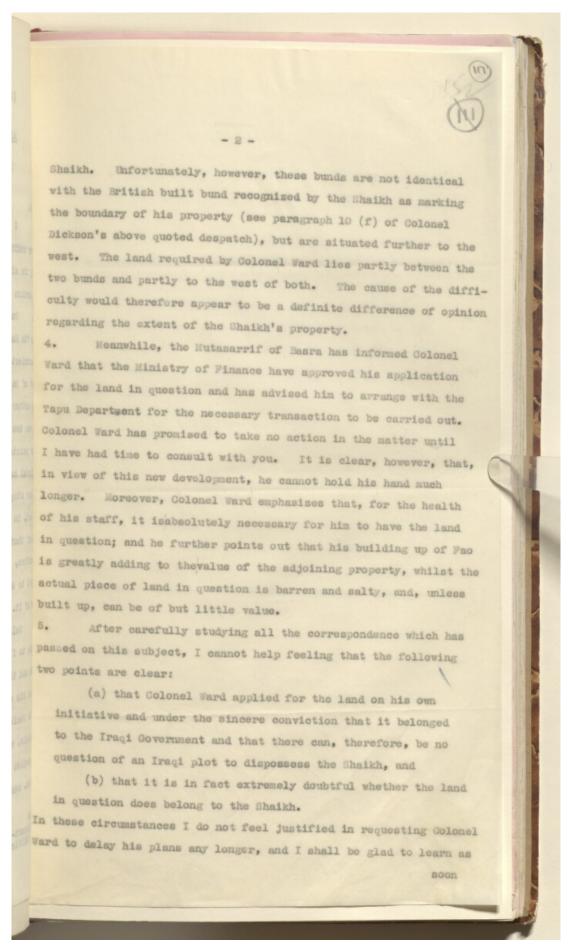
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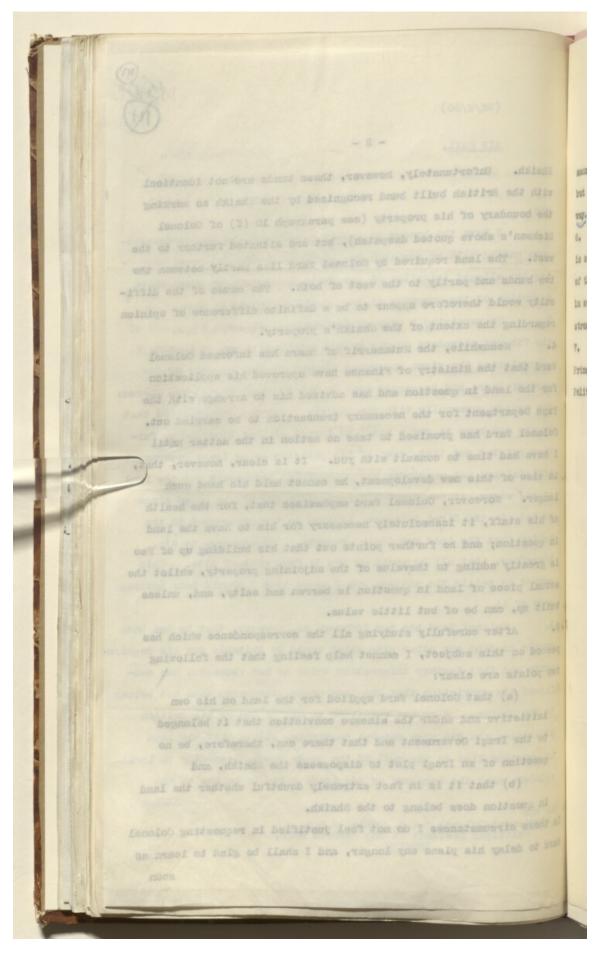
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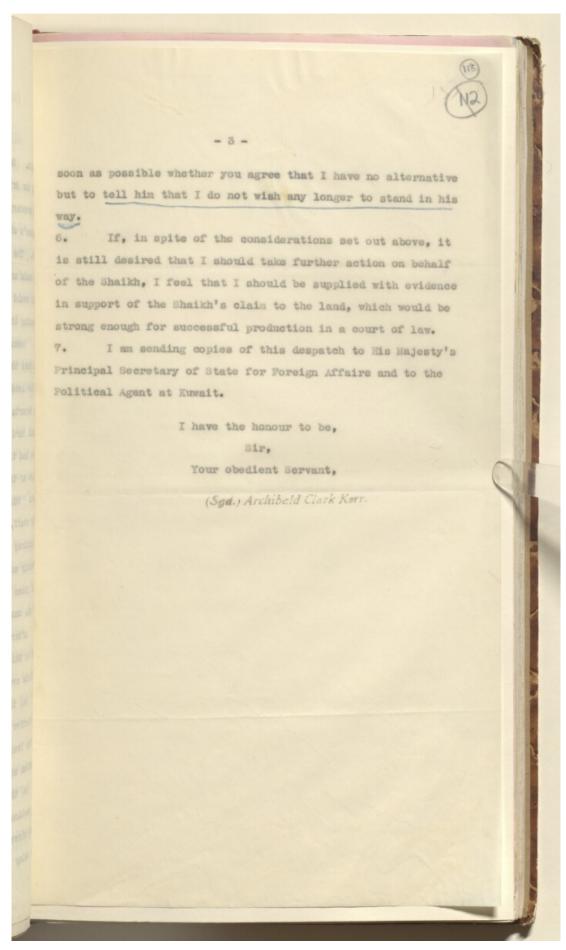
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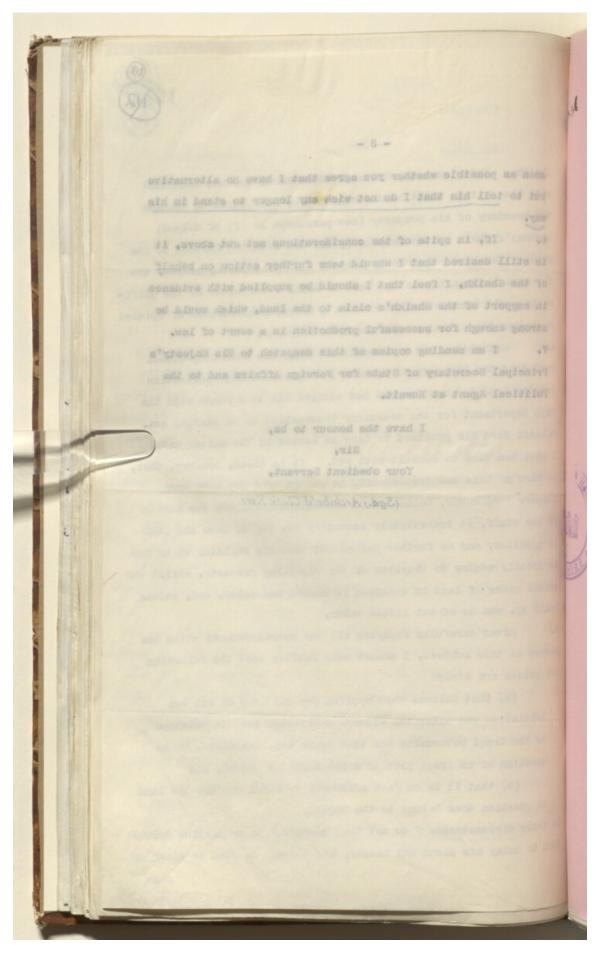






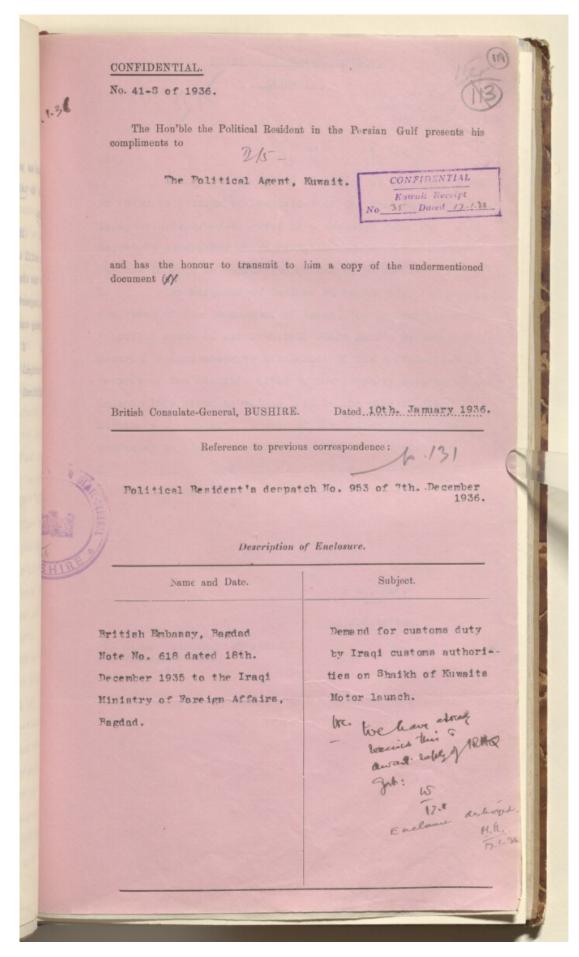






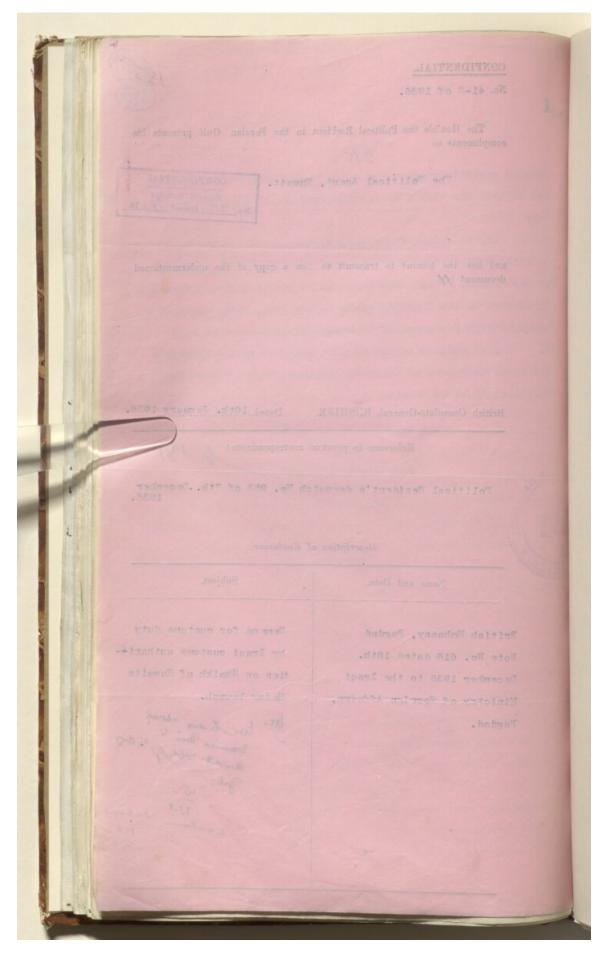
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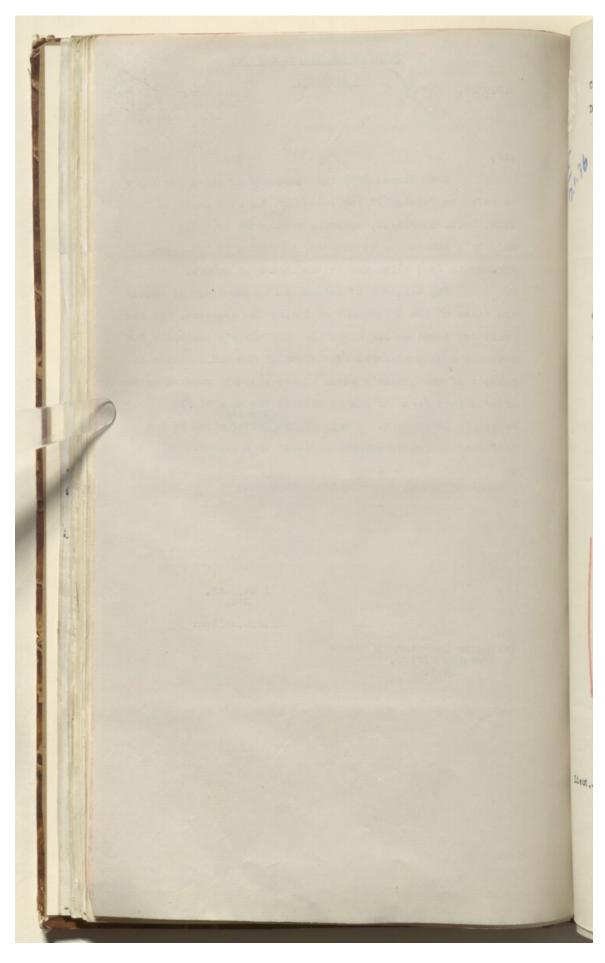
# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [120r] (244/412)



2	P.Z.9/35.  Original on Texation File.  EXTRACT.  India Office, Whitehall, S.W.1. 10th January, 1036
	I am directed by the secretary of State for India to refer to Foreign Office letter of the 31st December, 1935, No.E.7138/82/93, covering a despatch from His Majesty's Ambassador at Baghdad, in regard to the Date Gardens in Iraq belonging to the Shaikh of Kuwait.  2. The Marquess of Zetland is taking steps to obtain the views of the Government of India, the Resident, and the Political Agent on Sir Archibald Clark Kerr's proposals for securing a comprehensive settlement of the difficulties in respect of the Shaikh's title to the property covered by the undertakings given to him in 1914 in the name of His
	Majesty's Government. A copy of the letter which he has addressed to the Government of India is enclosed.
	X X X X I am, Sir, Etc.
10000000000000000000000000000000000000	The Under Secretary of State, Foreign Office, S.W.1.

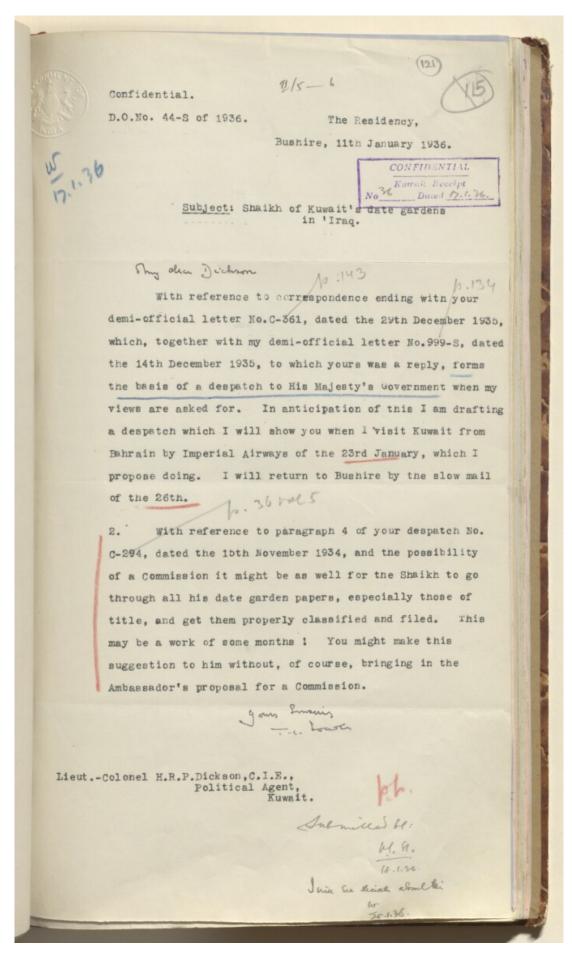






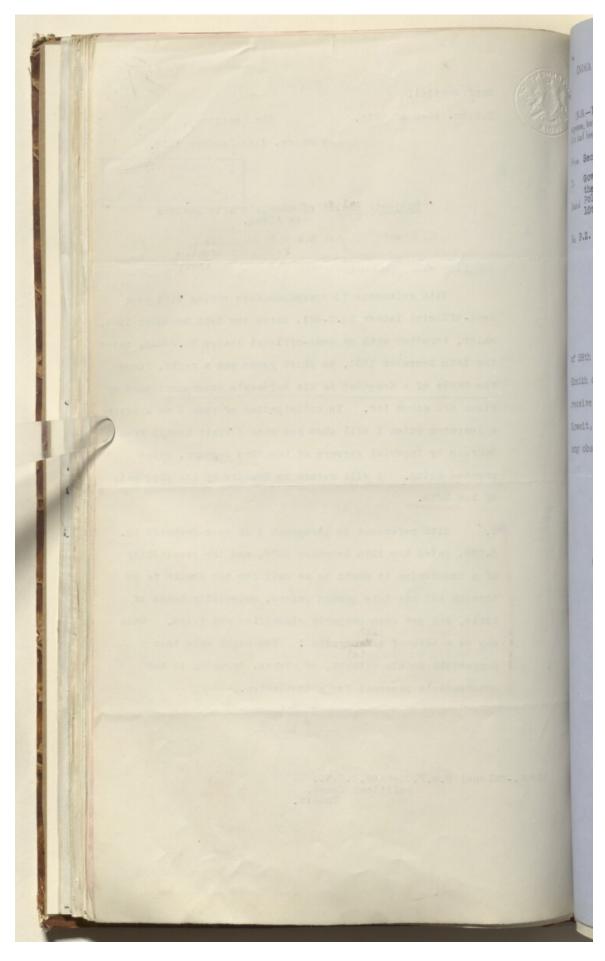
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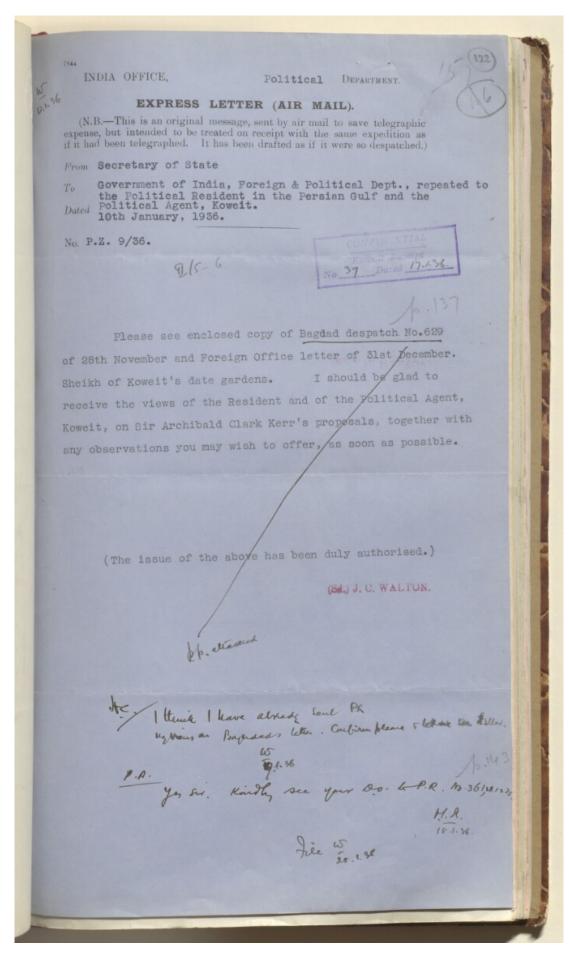






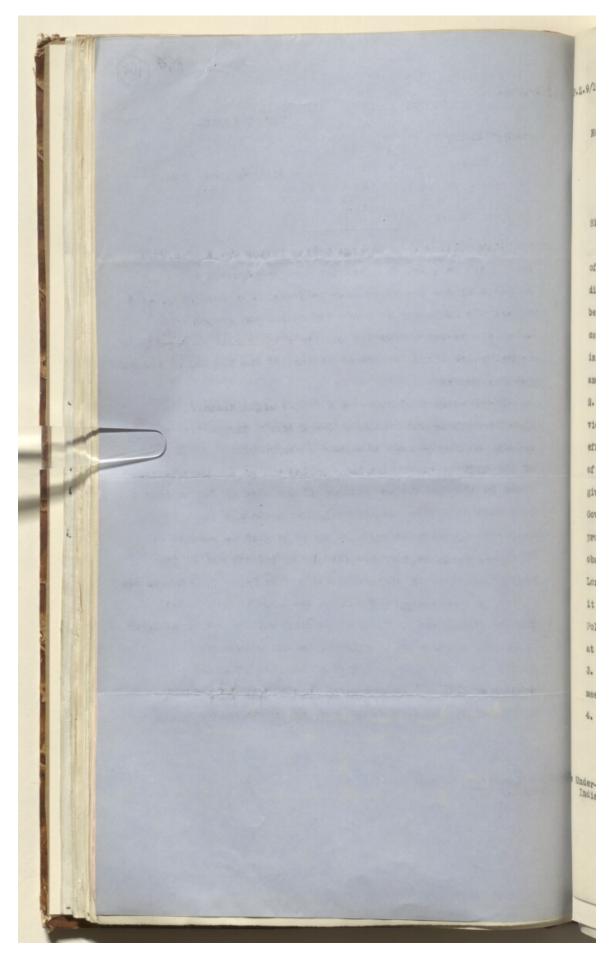
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### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [123r] (250/412)

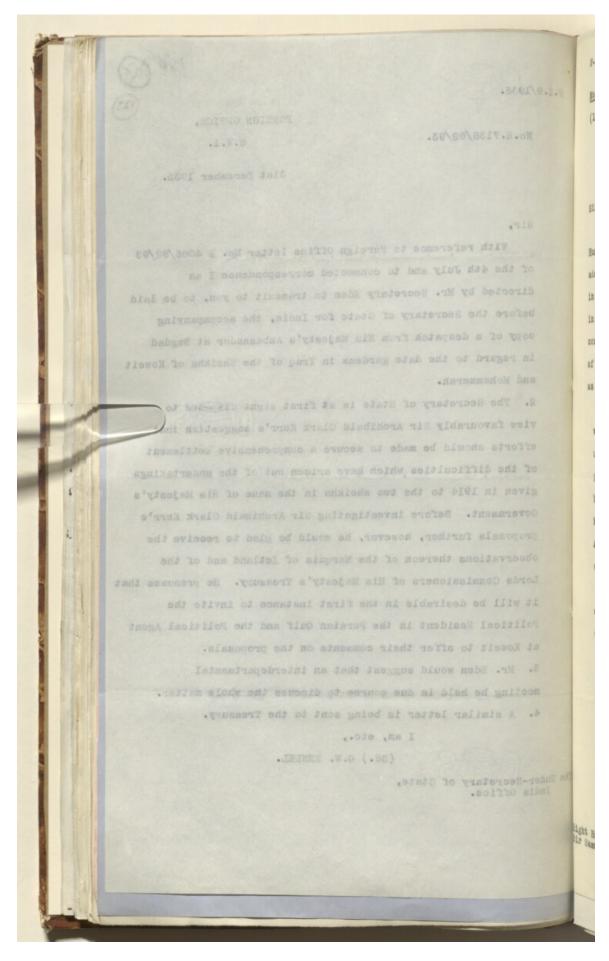


P.Z.9/1936. FOREIGN OFFICE, No.E.7138/82/93. S.W.1. 31st December 1935. Sir, With reference to Foreign Office letter No. E 4066/82/93 of the 4th July and to connected correspondence I am directed by Mr. Secretary Eden to transmit to you, to be laid before the Secretary of State for India, the accompanying copy of a despatch from His Majesty's Ambassador at Bagdad in regard to the date gardens in Iraq of the Sheikhs of Koweit and Mohammerah. 2. The Secretary of State is at first sight disposed to view favourably Sir Archibald Clark Kerr's suggestion that efforts should be made to secure a comprehensive settlement of the difficulties which have arisen out of the undertakings given in 1914 to the two sheikhs in the name of His Majesty's Government. Before investigating Sir Archibald Clark Kerr's proposals further, however, he would be glad to receive the observations thereon of the Marquis of Zetland and of the Lords Commissioners of His Majesty's Treasury. He presumes that it will be desirable in the first instance to invite the Political Resident in the Persian Gulf and the Political Agent at Koweit to offer their comments on the proposals. 3. Mr. Eden would suggest that an interdepartmental meeting be held in due course to discuss the whole matter. 4. A similar letter is being sent to the Treasury. I am, etc., (Sa.) G.W. RENDEL. he Under-Secretary of State, India Office.

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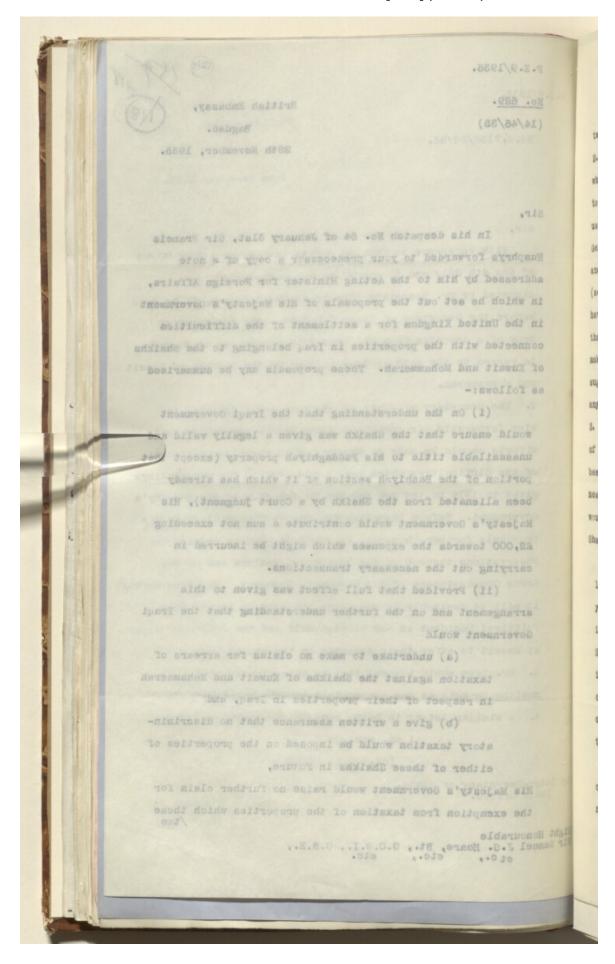
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [124r] (252/412)



P.Z.9/1936. No. 629. British Embassy, (14/46/35)Bagdad. 28th November, 1935. Sir, In his despatch No. 64 of January 31st, Sir Francis Humphrys forwarded to your predecessor a copy of a note addressed by him to the Acting Minister for Foreign Affairs, in which he set out the proposals of His Majesty's Government in the United Kingdom for a settlement of the difficulties connected with the properties in Iraq belonging to the Shaikhs of Kuwait and Mohammerah. These proposals may be summarised as follows:-(i) On the understanding that the Iraqi Government would ensure that the Shaikh was given a legally valid and unassailable title to his Faddaghiyah property (except that portion of the Bashiyah section of it which has already been alienated from the Shaikh by a Court judgment), His Majesty's Government would contribute a sum not exceeding £2,000 towards the expenses which might be incurred in carrying out the necessary transactions. (ii) Provided that full effect was given to this arrangement and on the further understanding that the Iraqi Government would (a) undertake to make no claims for arrears of taxation against the Shaikhs of Kuwait and Mohammerah in respect of their properties in Iraq, and (b) give a written assurance that no discriminatory taxation would be imposed on the properties of either of these Shaikhs in future, His Majesty's Government would raise no further claim for the exemption from taxation of the properties which these Right Honourable Bir Samuel J.G. Hoare, Bt., G.C.S.I., G.B.E., etc., etc.,

# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [124v] (253/412)





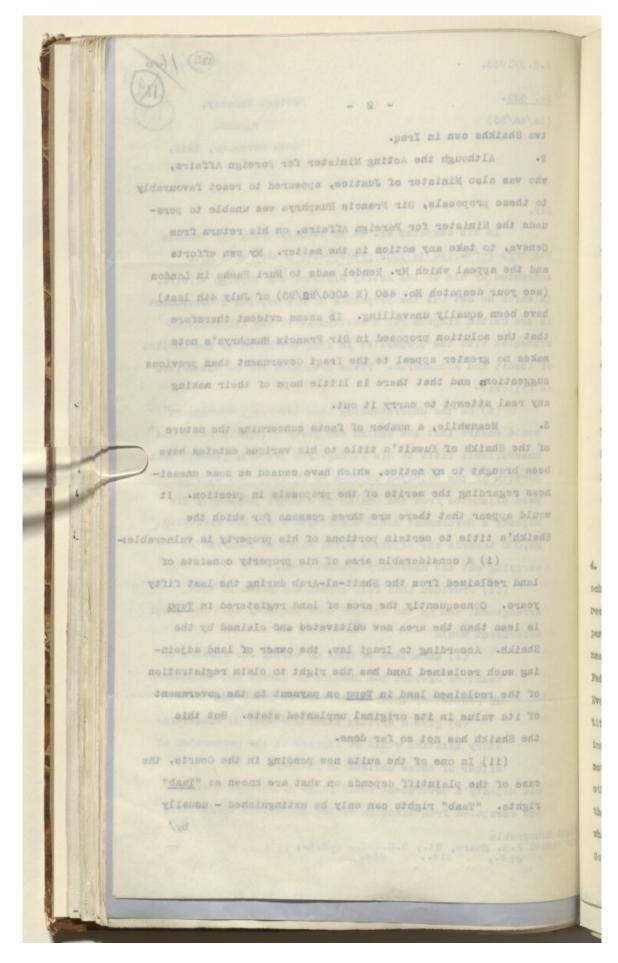




two Shaikhs own in Iraq. Although the Acting Minister for Foreign Affairs, who was also Minister of Justice, appeared to react favourably to these proposals, Sir Francis Humphrys was unable to persuade the Minister for Foreign Affairs, on his return from Geneva, to take any action in the matter. My own efforts and the appeal which Mr. Rendel made to Nuri Pasha in London (see your despatch No. 450 (E 4066/82/93) of July 4th last) have been equally unavailing. It seems evident therefore that the solution proposed in Sir Francis Humphrys's note makes no greater appeal to the Iraqi Government than previous suggestions and that there is little hope of their making any real attempt to carry it out. Meanwhile, a number of facts concerning the nature of the Shaikh of Kuwait's title to his various estates have been brought to my notice, which have caused me some uneasiness regarding the merits of the proposals in question. It would appear that there are three reasons for which the Shaikh's title to certain portions of his property is vulnerable:-(i) A considerable area of his property consists of land reclaimed from the Shatt-al-Arab during the last fifty years. Consequently the area of land registered in Tapu is less than the area now cultivated and claimed by the Shaikh. According to Iraqi law, the owner of land adjoining such reclaimed land has the right to claim registration of the reclaimed land in Tapu on payment to the government of its value in its original unplanted state. But this the Shaikh has not so far done. (11) In one of the suits now pending in the Courts, the case of the plaintiff depends on what are known as "Taab" rights. "Taab" rights can only be extinguished - usually by/







#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [126r] (256/412)



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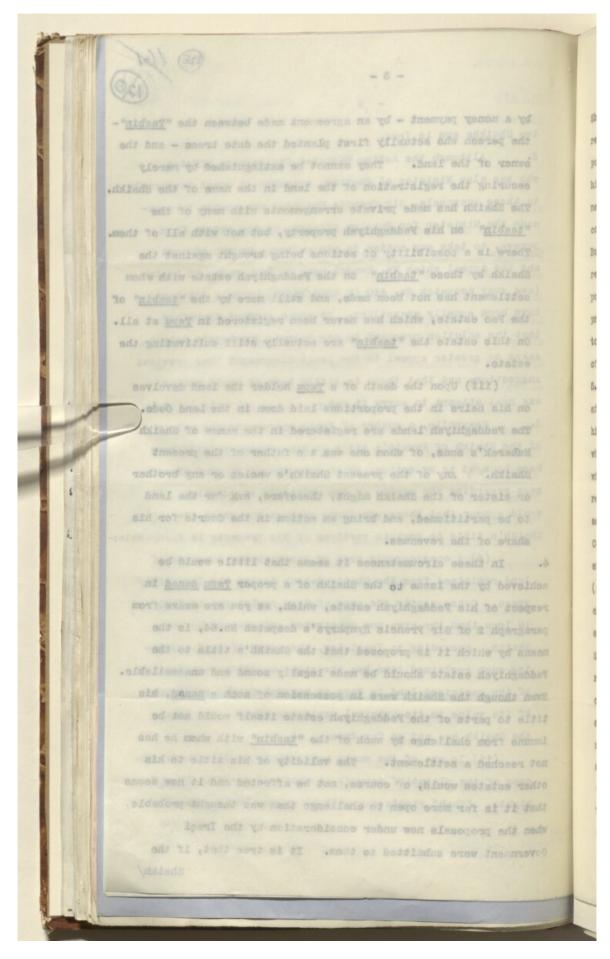
by a money payment - by an agreement made between the "Taabin" the person who actually first planted the date trees - and the
owner of the land. They cannot be extinguished by merely
securing the registration of the land in the name of the Shaikh.
The Shaikh has made private arrangements with many of the
"taabin" on his Faddaghiyah property, but not with all of them.
There is a possibility of actions being brought against the
Shaikh by those "taabin" on the Faddaghiyah estate with whom
settlement has not been made, and still more by the "taabin" of
the Fao estate, which has never been registered in Tapu at all.
On this estate the "taabin" are actually still cultivating the
estate.

(iii) Upon the death of a <u>Tapu</u> holder the land devolves on his heirs in the proportions laid down in the Land Code. The Faddaghiyah lands are registered in the names of Shaikh Mubarak's sons, of whom one was the father of the present Shaikh. Any of the present Shaikh's uncles or any brother or sister of the Shaikh might, therefore, ask for the land to be partitioned, and bring an action in the Courts for his share of the revenues.

4. In these circumstances it seems that little would be achieved by the issue to the Shaikh of a proper Tapu Sanad in respect of his Faddaghiyah estate, which, as you are aware from paragraph 2 of Sir Francis Hymphrys's despatch No.64, is the means by which it is proposed that the Shaikh's title to the Faddaghiyah estate should be made legally sound and unassailable. Even though the Shaikh were in possession of such a Sanad, his title to parts of the Faddaghiyah estate itself would not be immune from challenge by such of the "taabin" with whom he has not reached a settlement. The validity of his title to his other estates would, of course, not be affected and it now seems that it is far more open to challenge than was thought probable, when the proposals now under consideration by the Iraqi Government were submitted to them. It is true that, if the Shaikh/

#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [126v] (257/412)





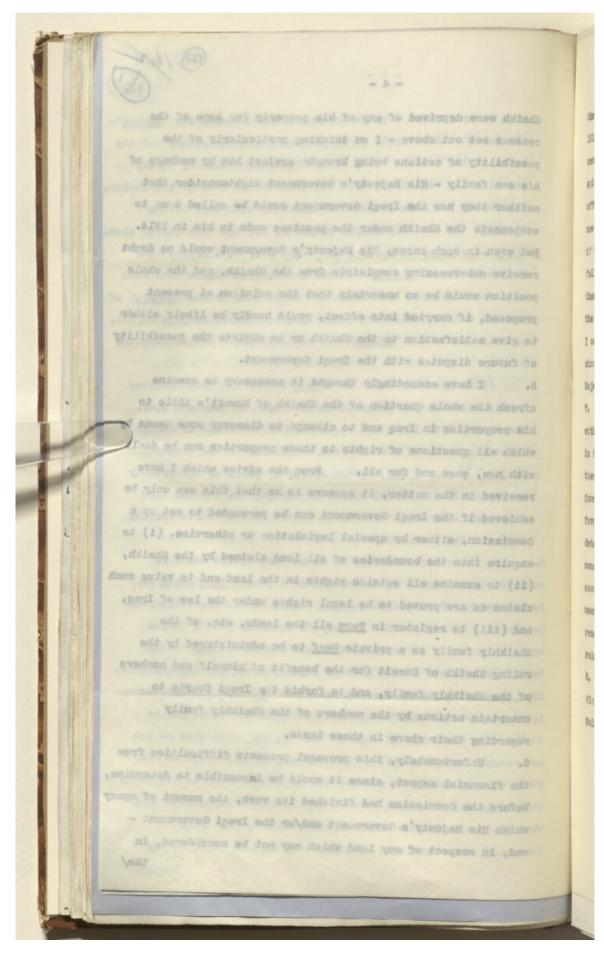
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [127r] (258/412)



Shaikh were deprived of any of his property for some of the reasons set out above - I am thinking particularly of the possibility of actions being brought against him by members of his own family - His Majesty's Government mightconsider that neither they nor the Iraqi Government could be called upon to compensate the Shaikh under the promises made to him in 1914. But even in such cases, His Majesty's Government would no doubt receive embarrassing complaints from the Shaikh, and the whole position would be so uncertain that the solution at present proposed, if carried into effect, would hardly be likely either to give satisfaction to the Shaikh or to obviate the possibility of future disputes with the Iraqi Government. I have accordingly thought it necessary to examine afresh the whole question of the Shaikh of Kuwait's title to his properties in Iraq and to attempt to discover some means by which all questions of rights to these properties can be dealt with now, once and for all. From the advice which I have received in the matter, it appears to me that this can only be achieved if the Iraqi Covernment can be persuaded to set up a Commission, either by special legislation or otherwise, (i) to enquire into the boundaries of all land claimed by the Shaikh, (ii) to examine all outside rights in the land and to value such claims as are proved to be legal rights under the law of Iraq, and (iii) to register in Tapu all the lands, etc. of the Shaikhly family as a private Waqf to be administered by the ruling Shaikh of Kuwait for the benefit of himself and members of the Shaikhly family, and to forbid the Iraqi Courts to entertain actions by the members of the Sheikhly femily regarding their share in these lands. Unfortunately, this proposal presents difficulties from the financial aspect, since it would be impossible to determine, before the Commission had finished its work, the amount of money which His Majesty's Government and/or the Iraqi Government and, in respect of any land which may not be considered, in the/

# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [127v] (259/412)





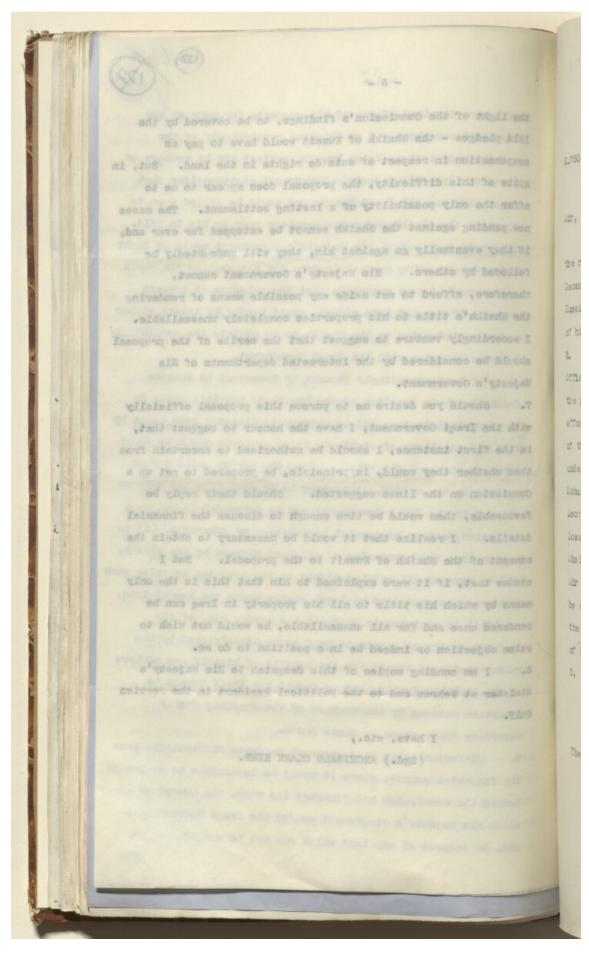
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [128r] (260/412)



- 5 the light of the Commission's findings, to be covered by the 1914 pledges - the Shaikh of Kuwait would have to pay as compensation in respect of outside rights in the land. But, in spite of this difficulty, the proposal does appear to me to offer the only possibility of a lasting settlement. The cases now pending against the Shaikh cannot be estopped for ever and, if they eventually go against him, they will undoubtedly be followed by others. His Majesty's Government cannot, therefore, afford to set aside any possible means of rendering the Shaikh's title to his properties completely unassailable. I accordingly venture to suggest that the merits of the proposal should be considered by the interested departments of His Majesty's Government. Should you desire me to pursue this proposal officially with the Iraqi Government, I have the honour to suggest that, in the first instance, I should be authorised to ascertain from them whether they would, in principle, be prepared to set up a Commission on the lines suggested. Should their reply be favourable, then would be time enough to discuss the financial details. I realize that it would be necessary to obtain the consent of the Shaikh of Kuwait to the proposal. But I assume that, if it were explained to him that this is the only means by which his title to all his property in Iraq can be rendered once and for all unassailable, he would not wish to raise objection or indeed be in a position to do so. I am sending copies of this despatch to His Majesty's Minister at Tehran and to the Political Resident in the Persian Gulf. I have, etc., (Sgd.) ARCHIBALD CLARK KERR.

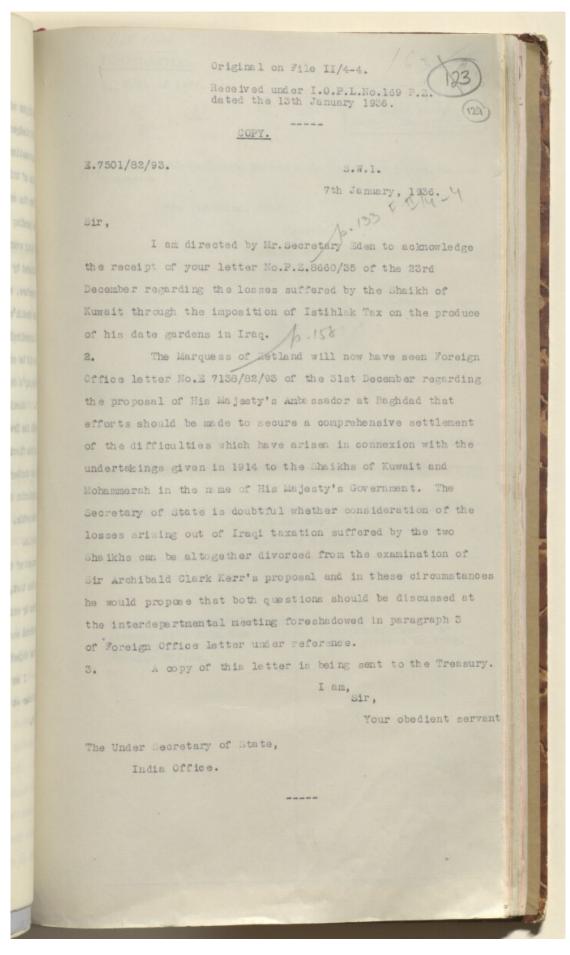






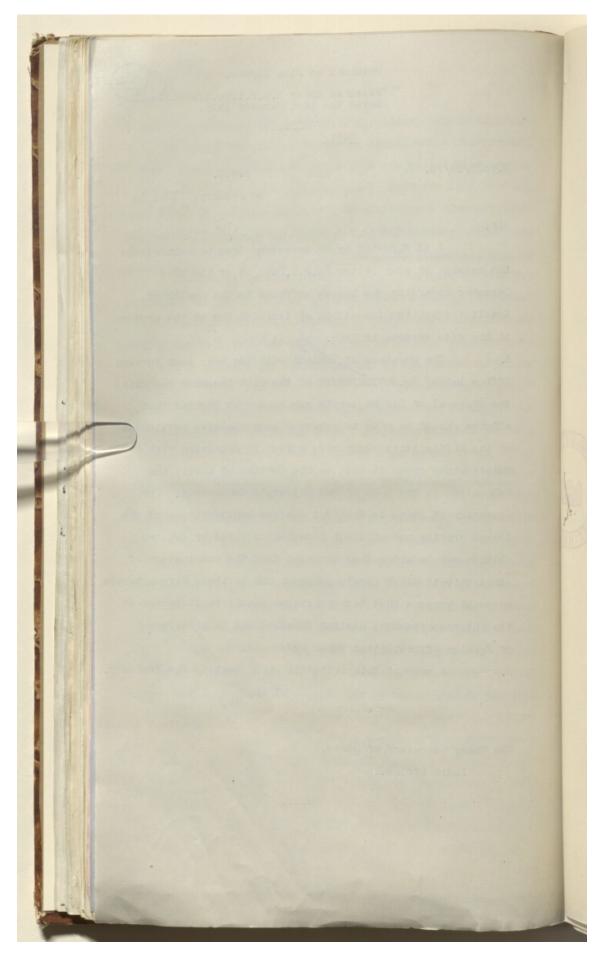
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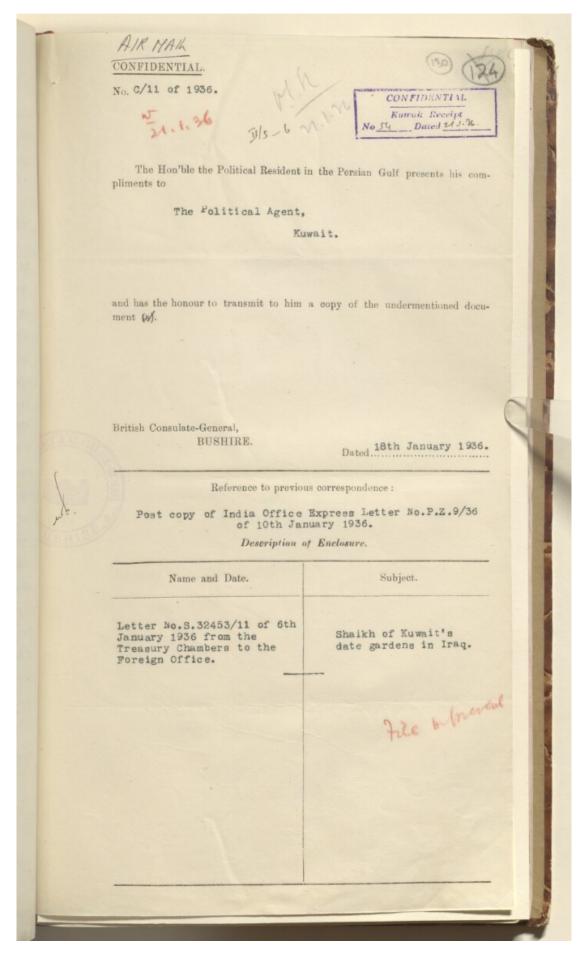






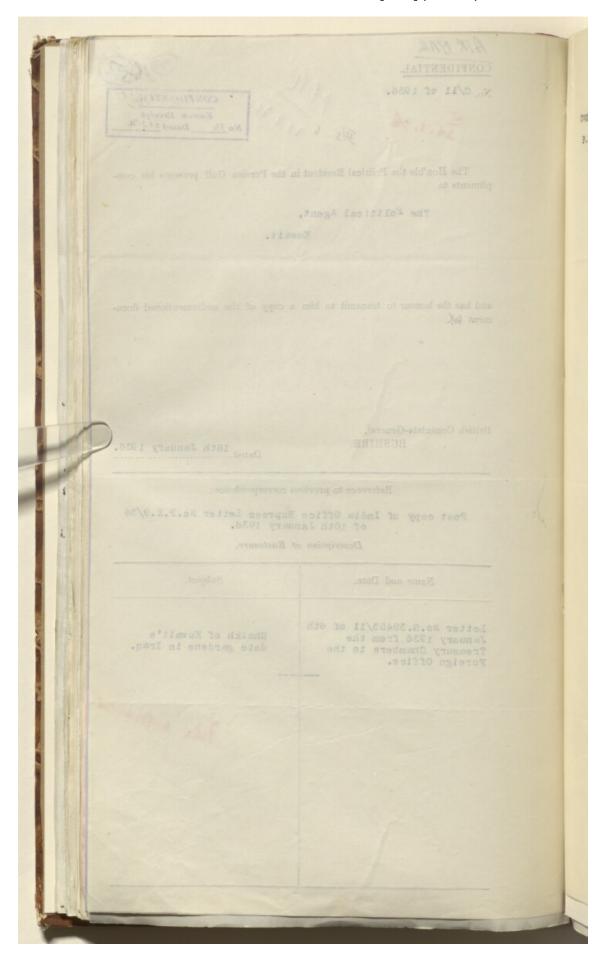
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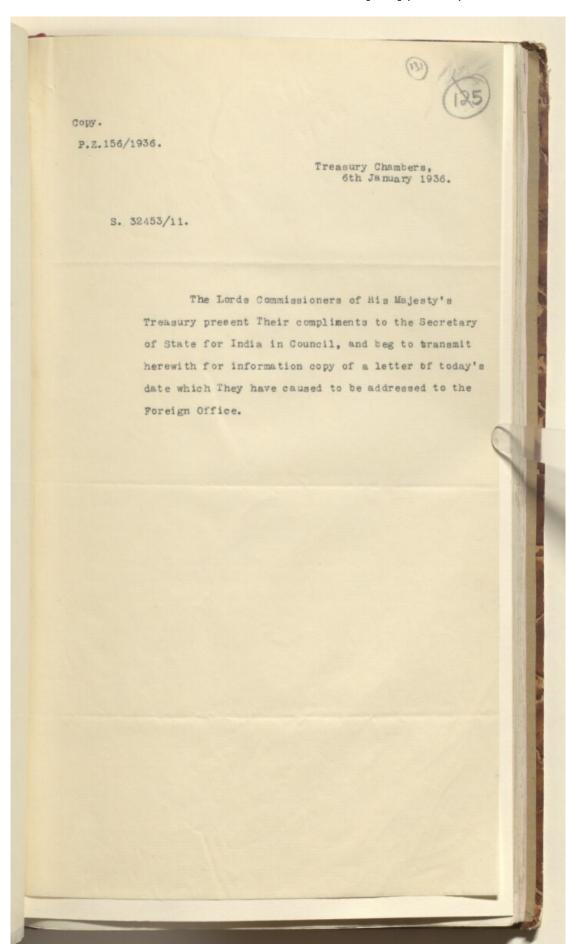




## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [130v] (265/412)

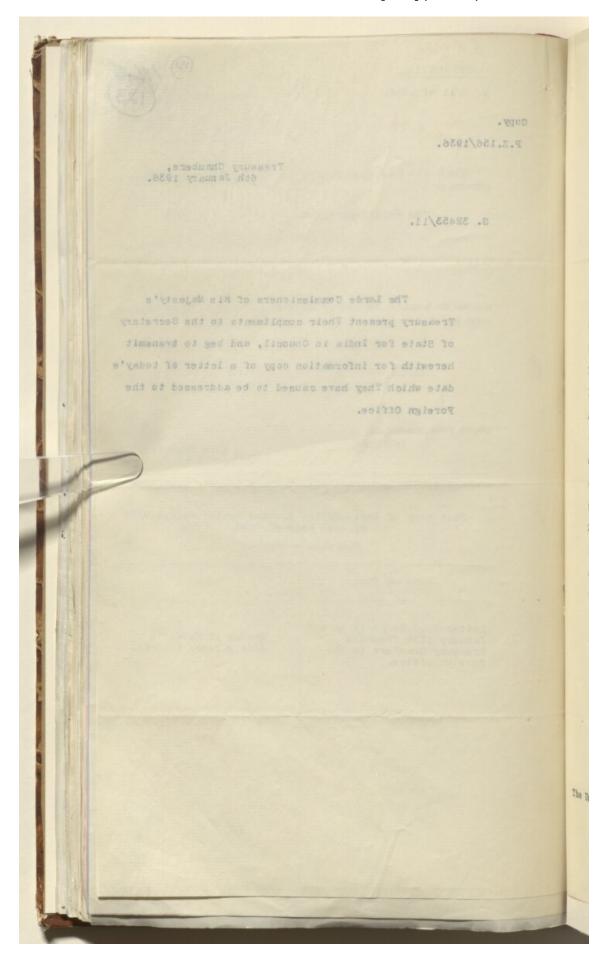


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [131r] (266/412)



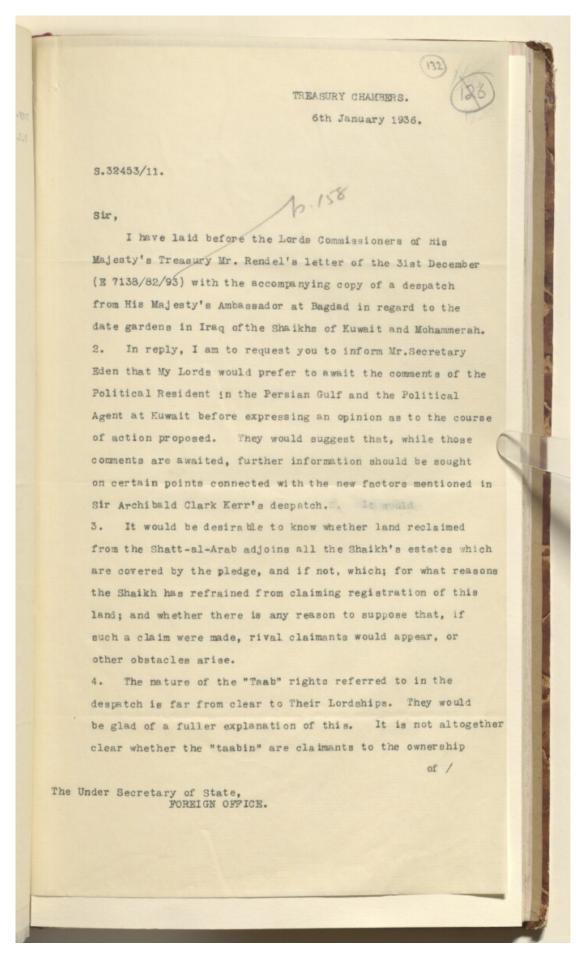


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [131v] (267/412)



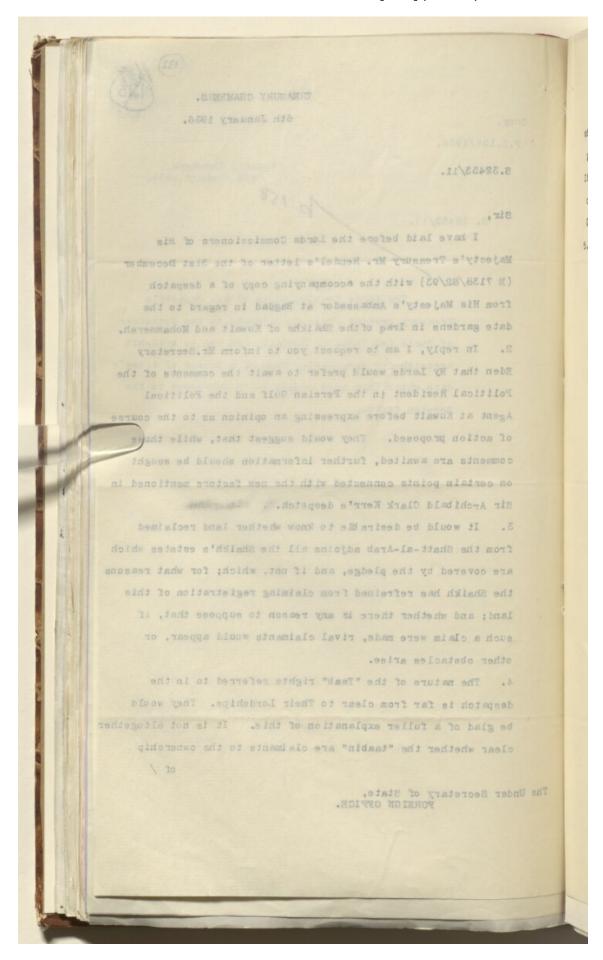
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [132r] (268/412)





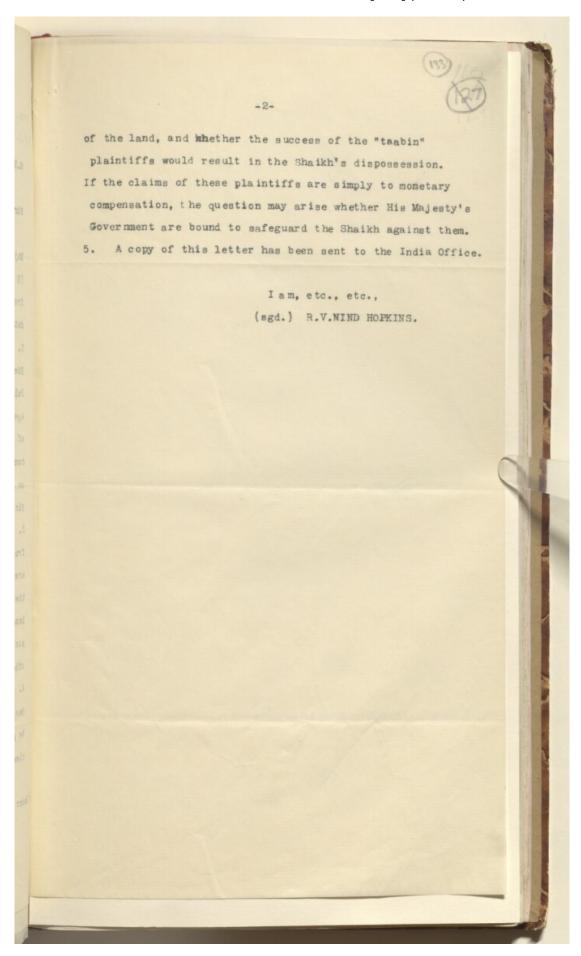


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [132v] (269/412)



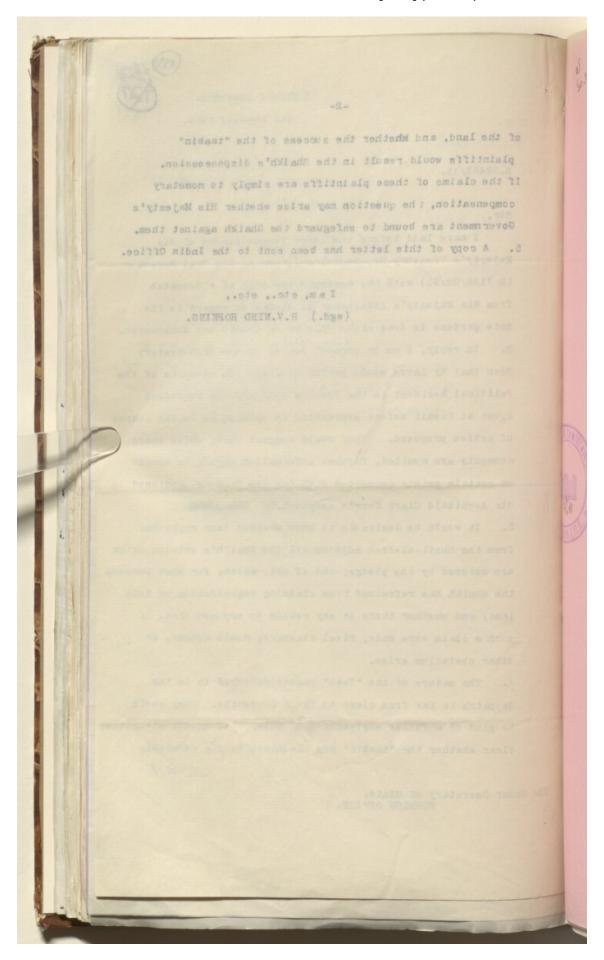


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [133r] (270/412)



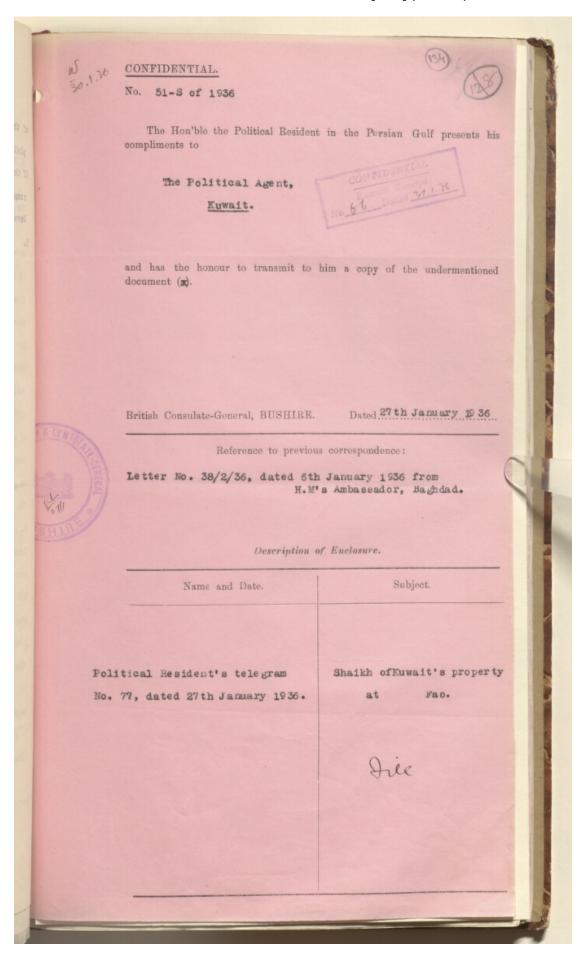


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [133v] (271/412)



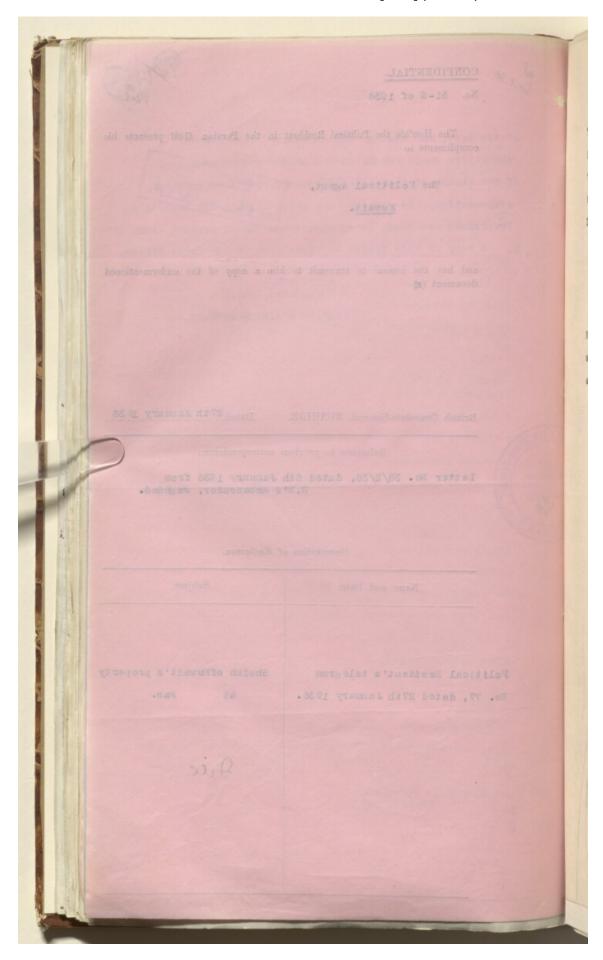


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [134r] (272/412)



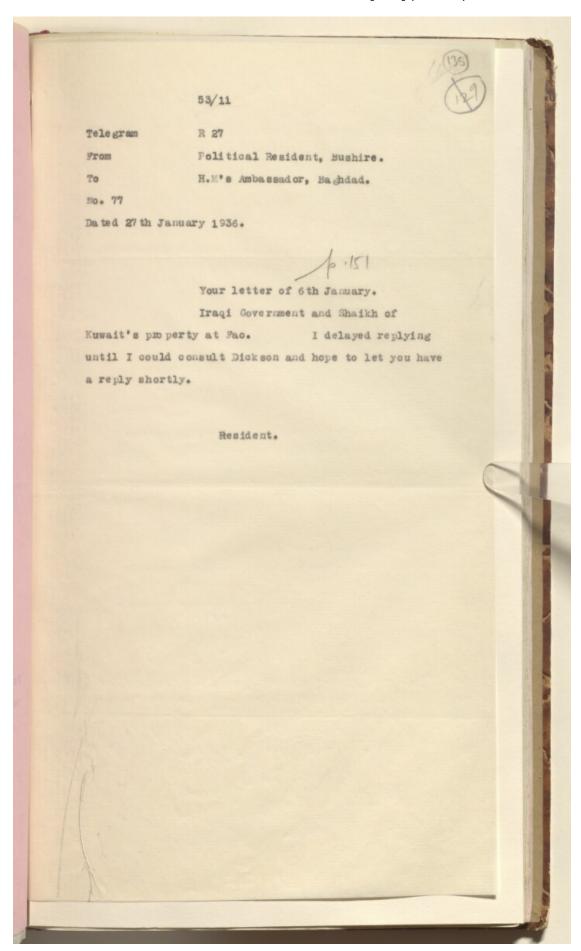


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [134v] (273/412)



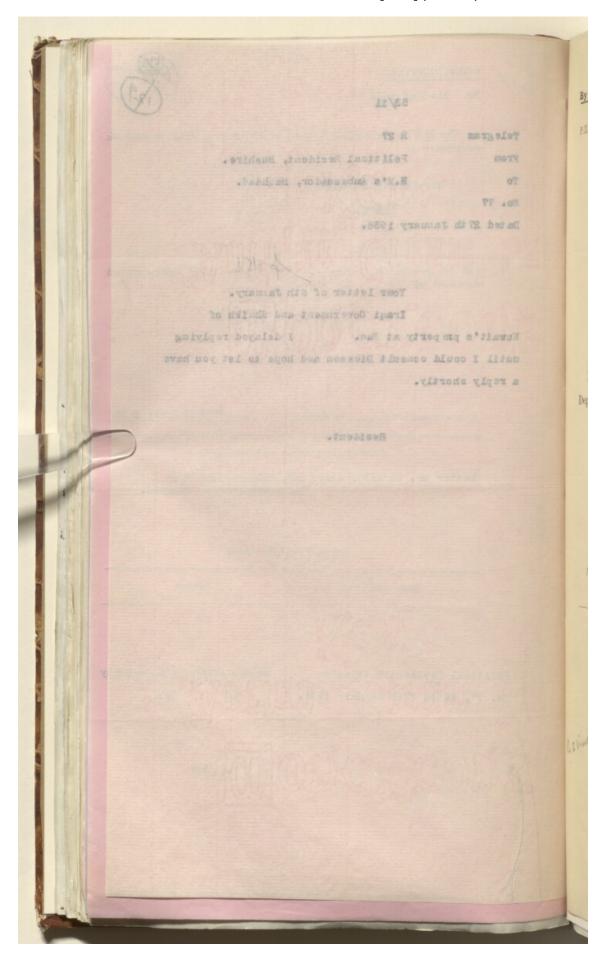


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [135r] (274/412)

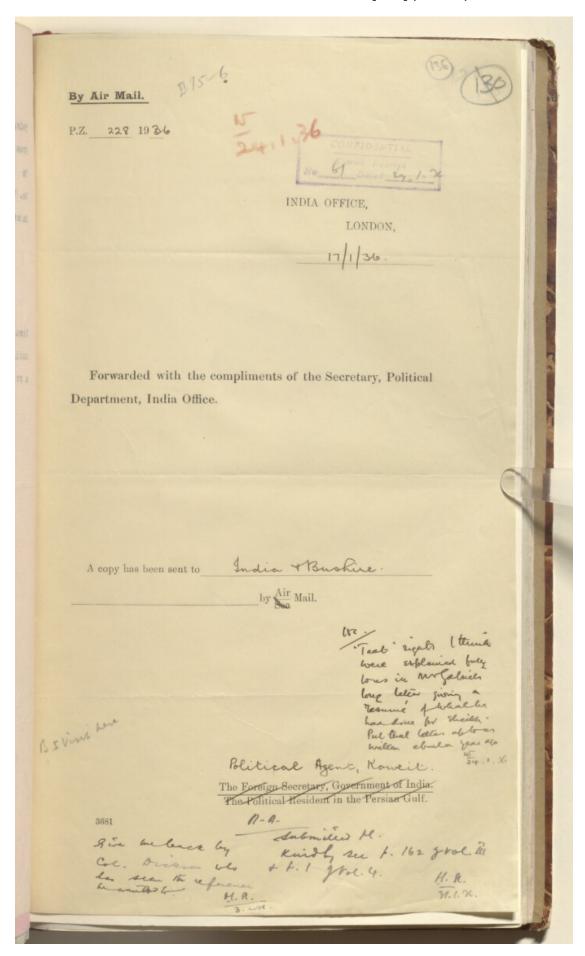




# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [135v] (275/412)

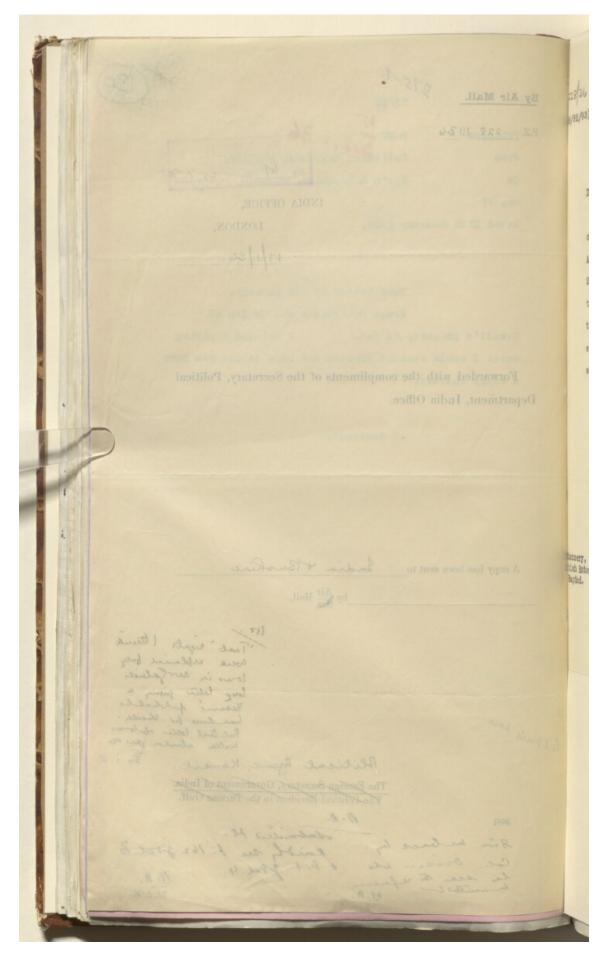


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [136r] (276/412)



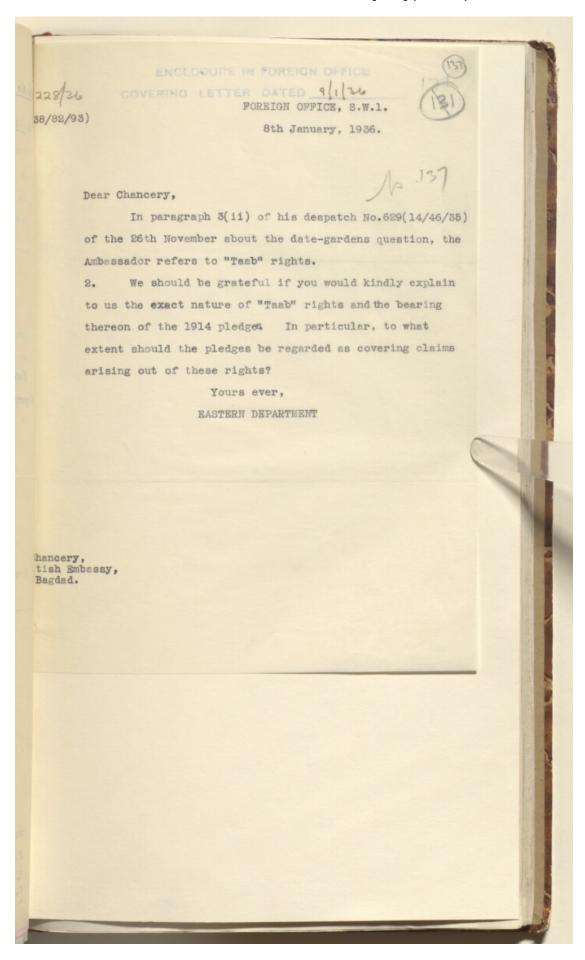






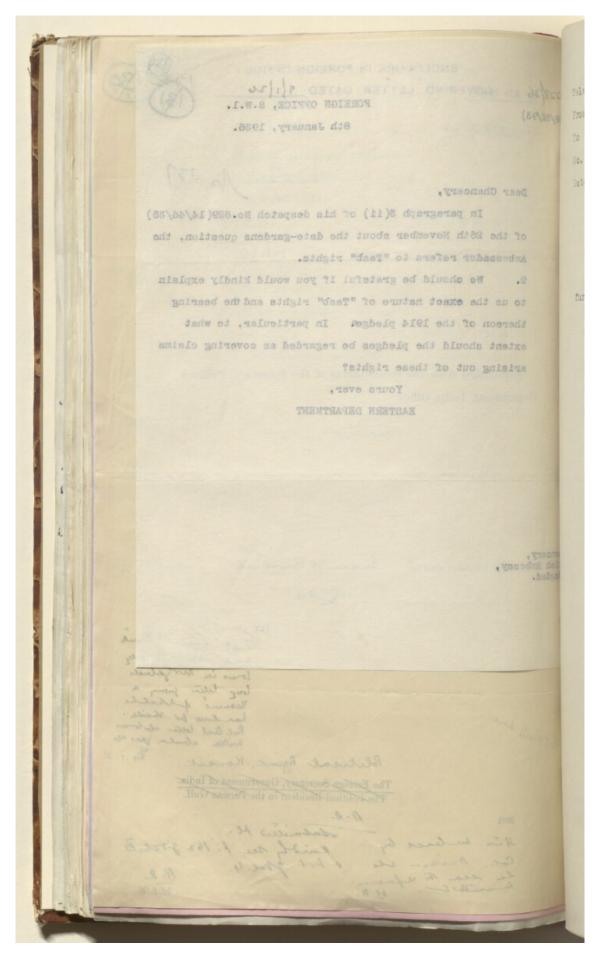
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [137r] (278/412)





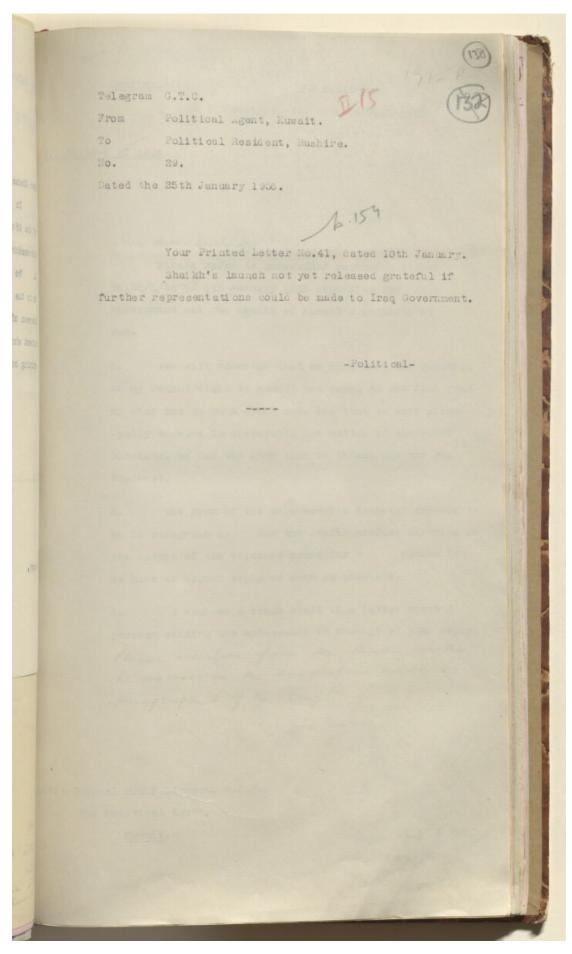


## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [137v] (279/412)



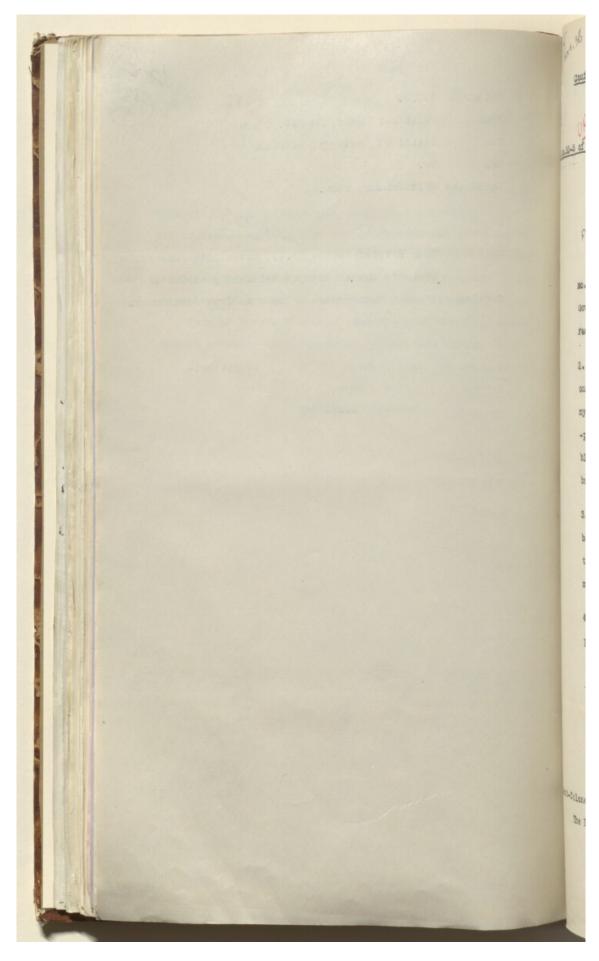






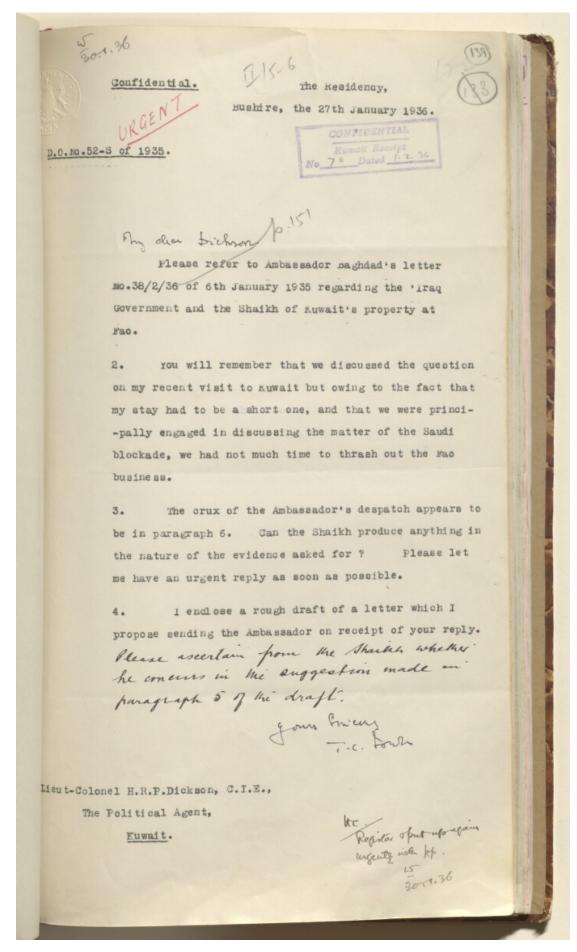






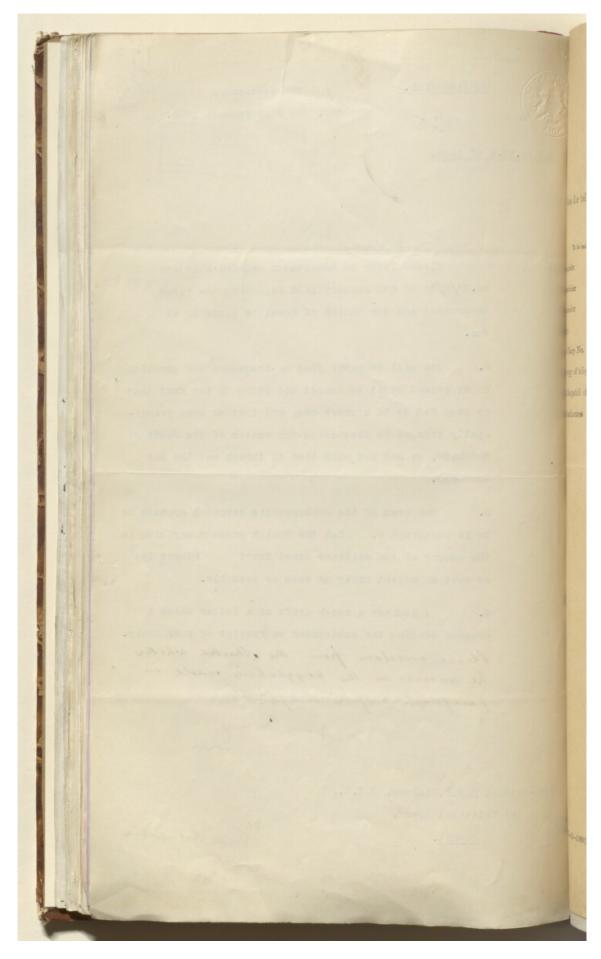
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [139r] (282/412)





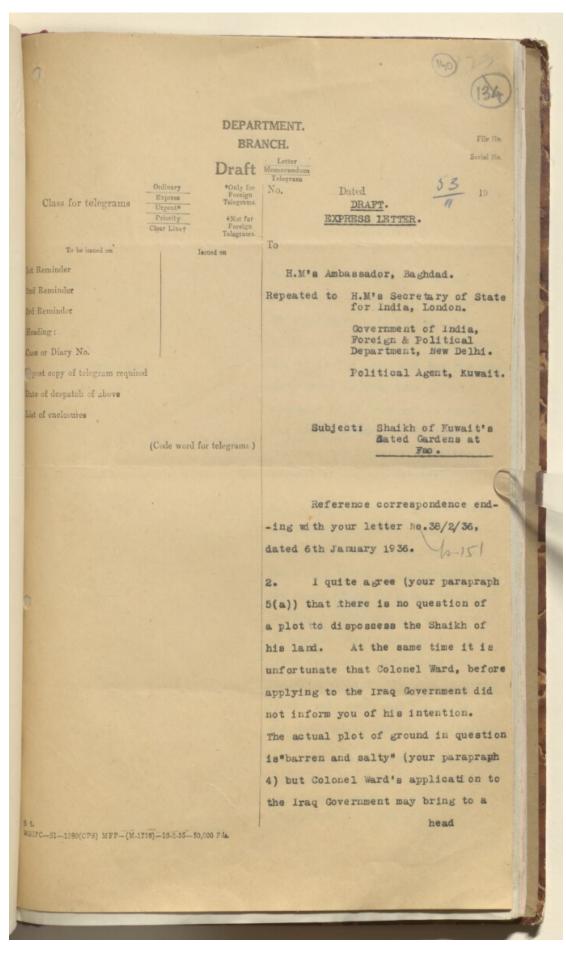






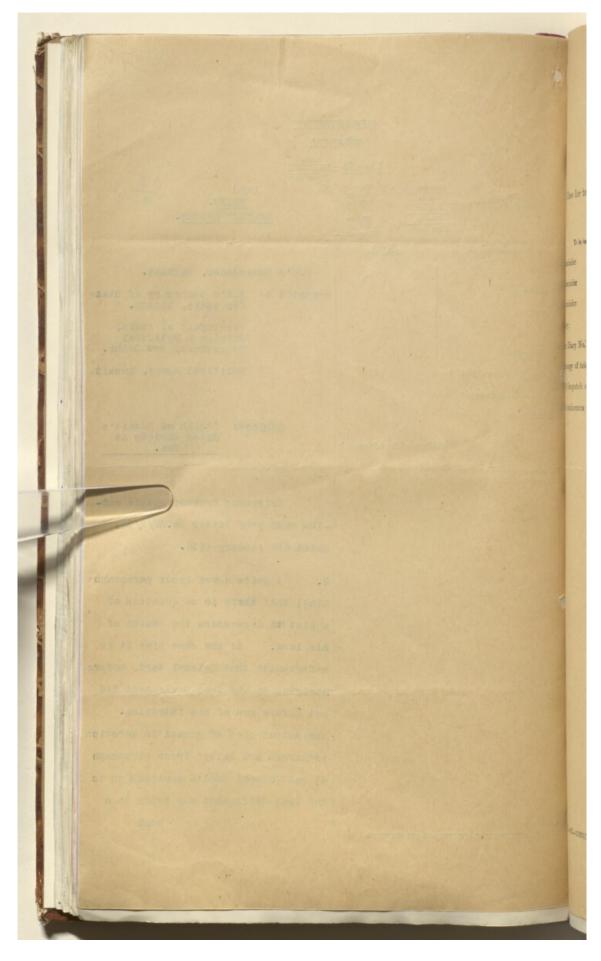
## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [140r] (284/412)





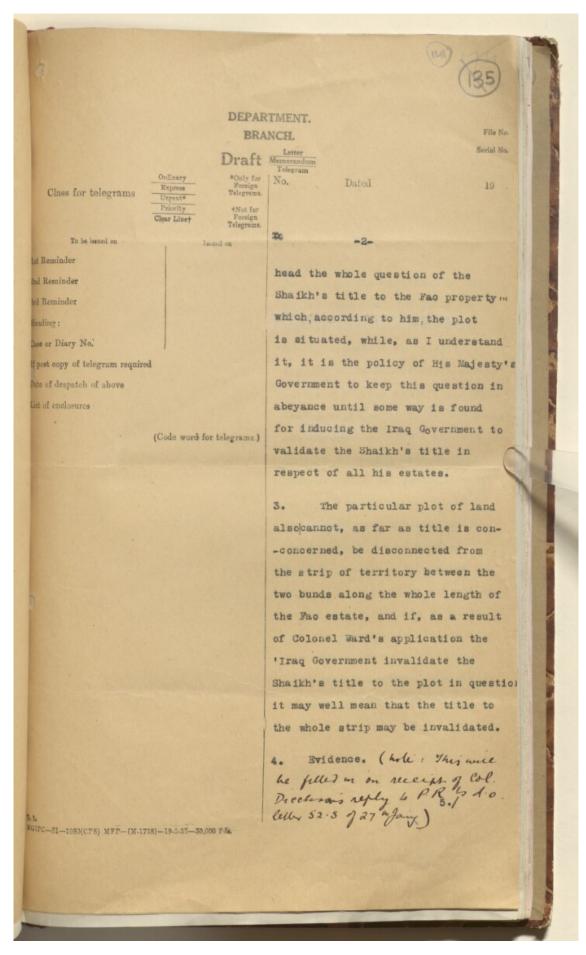






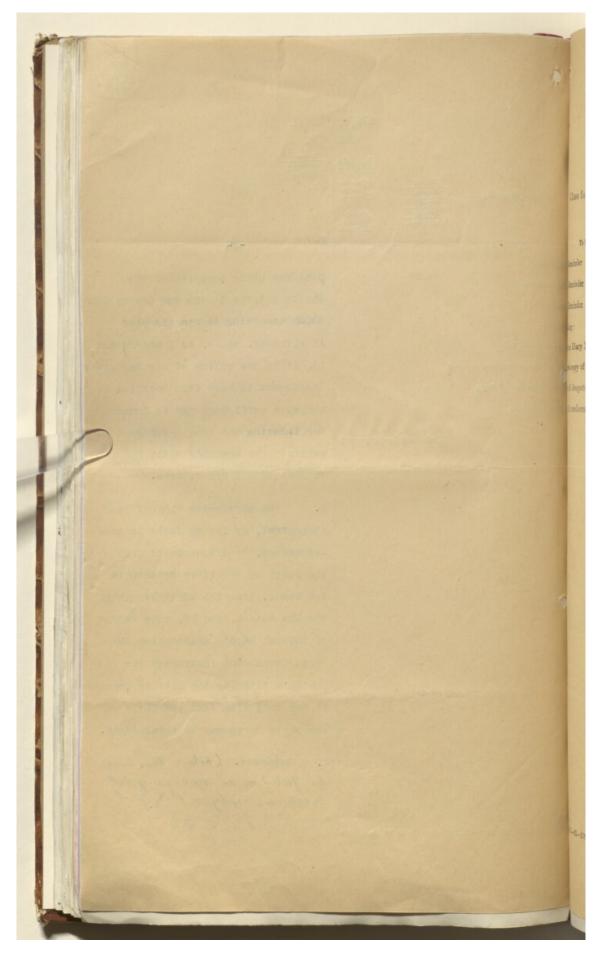
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [141r] (286/412)







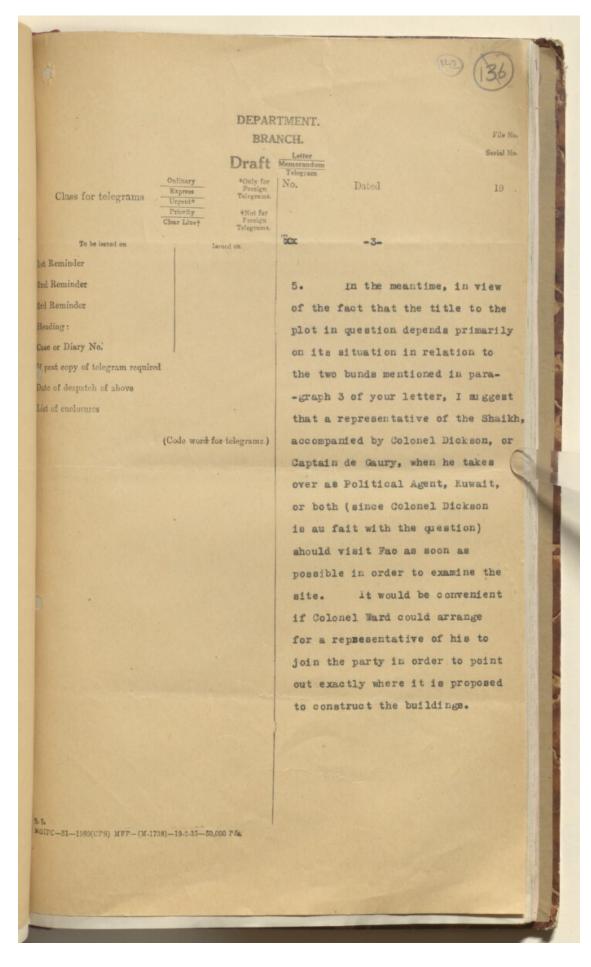






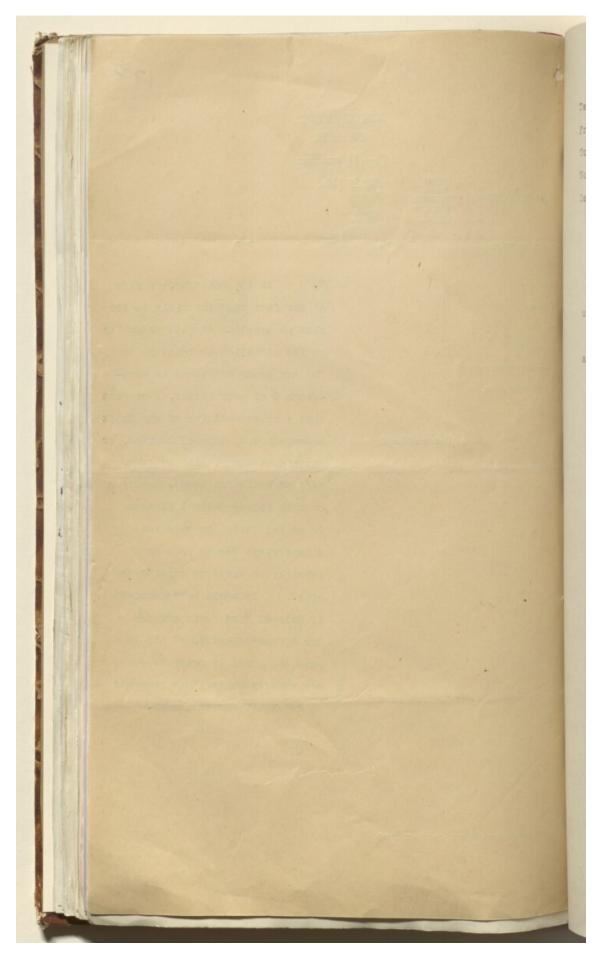




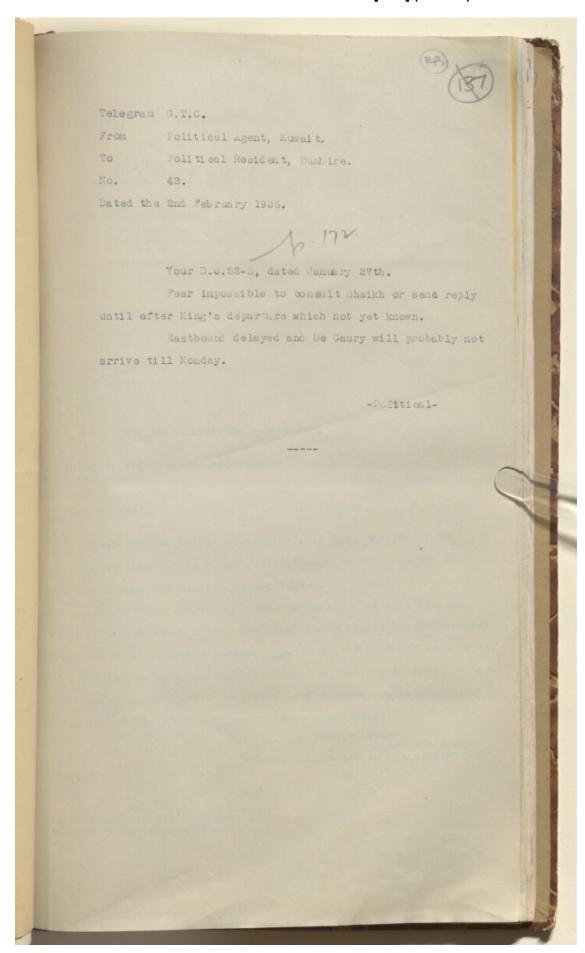






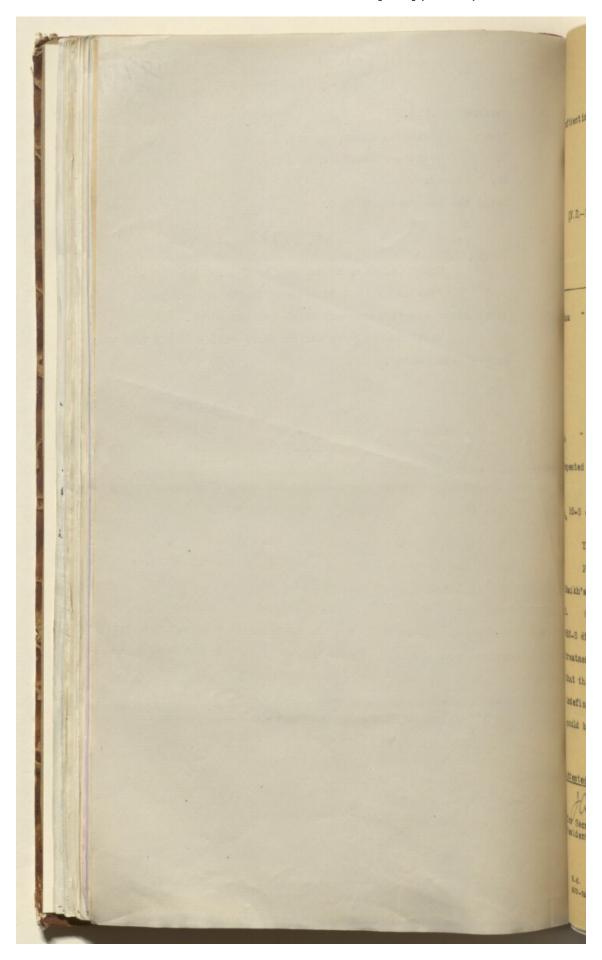


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [143r] (290/412)



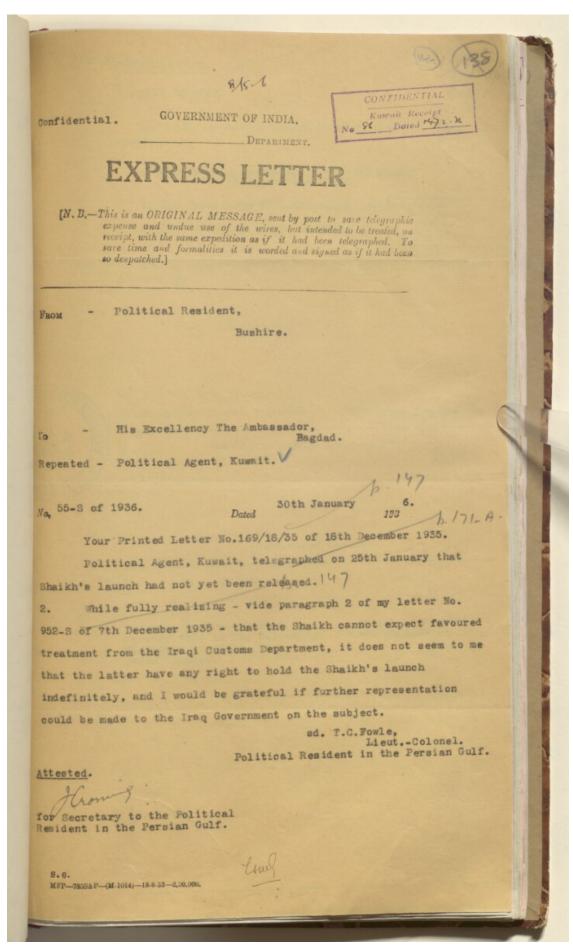






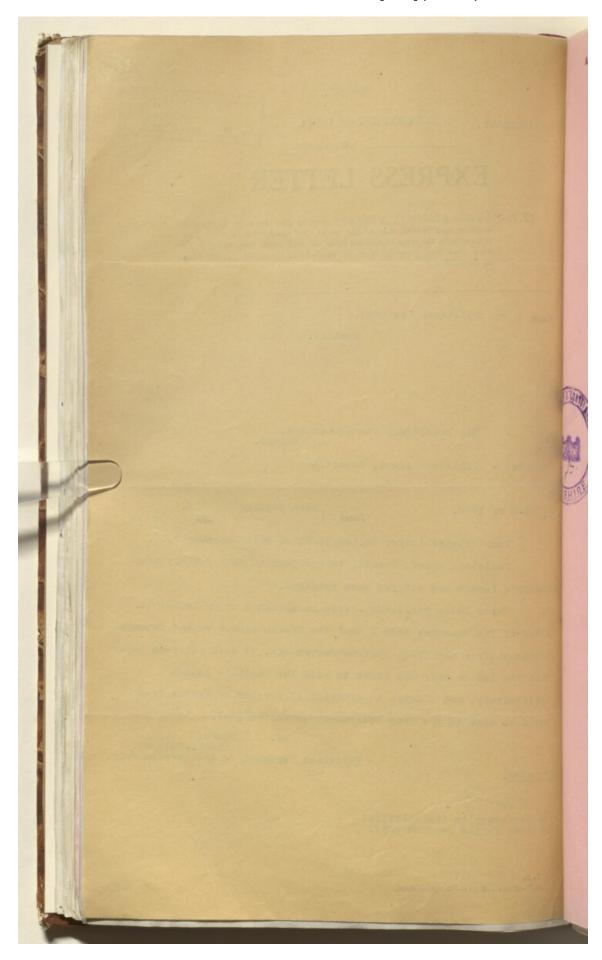






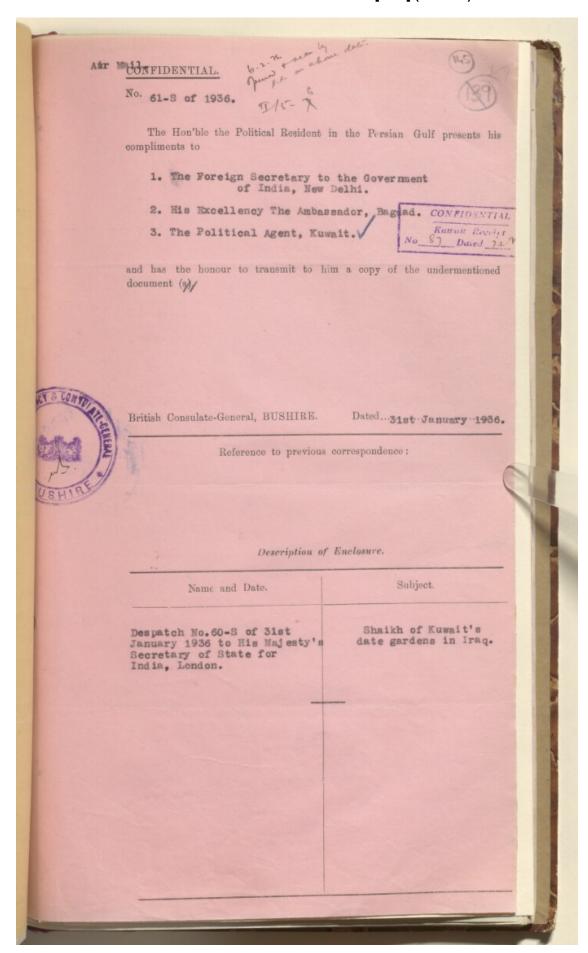






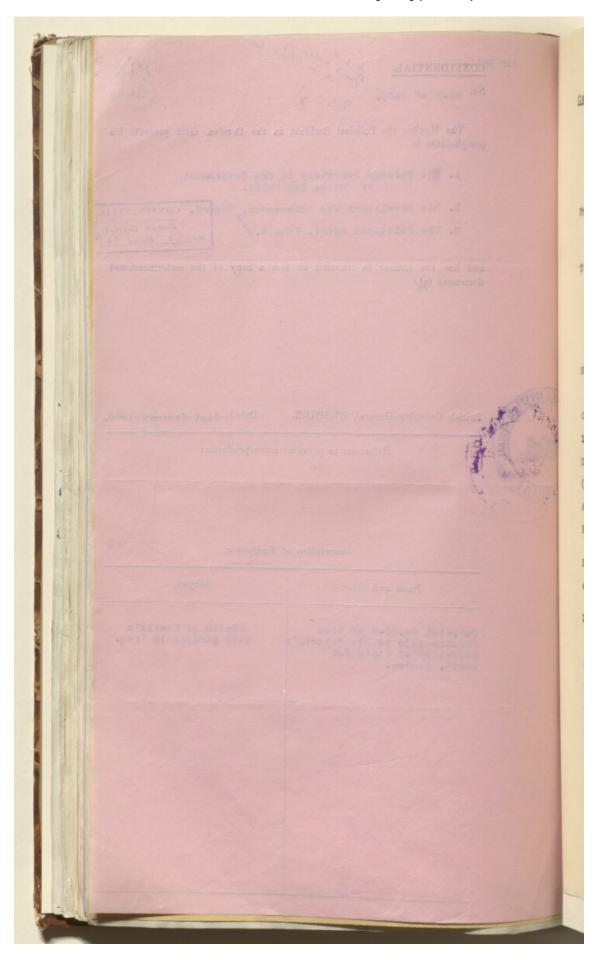


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [145r] (294/412)



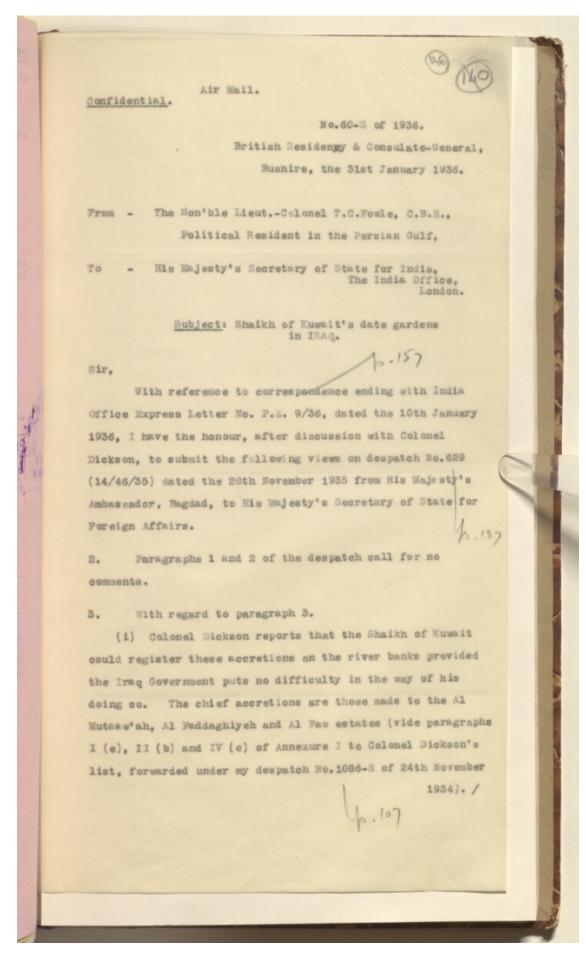


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [145v] (295/412)



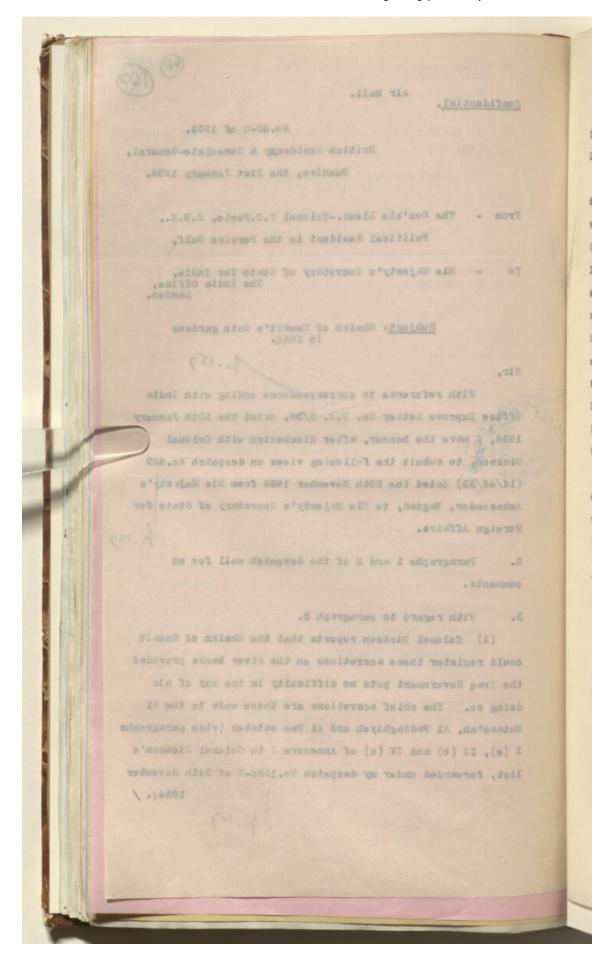






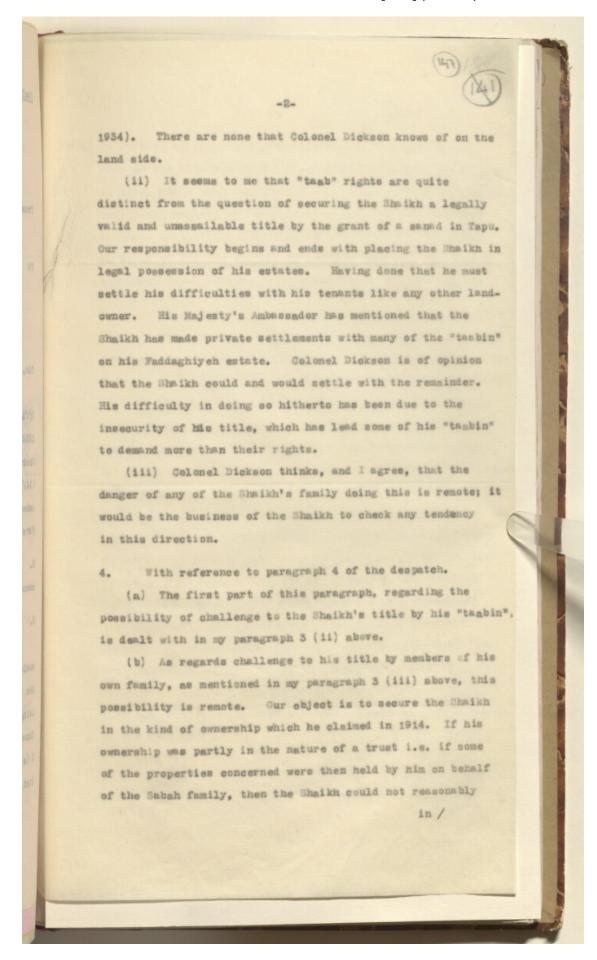


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [146v] (297/412)



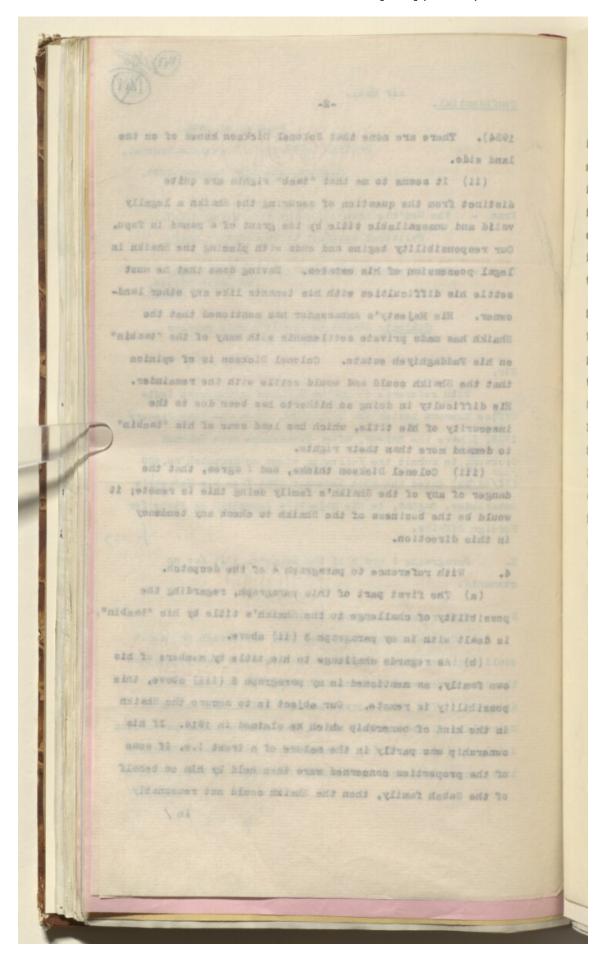








## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [147v] (299/412)



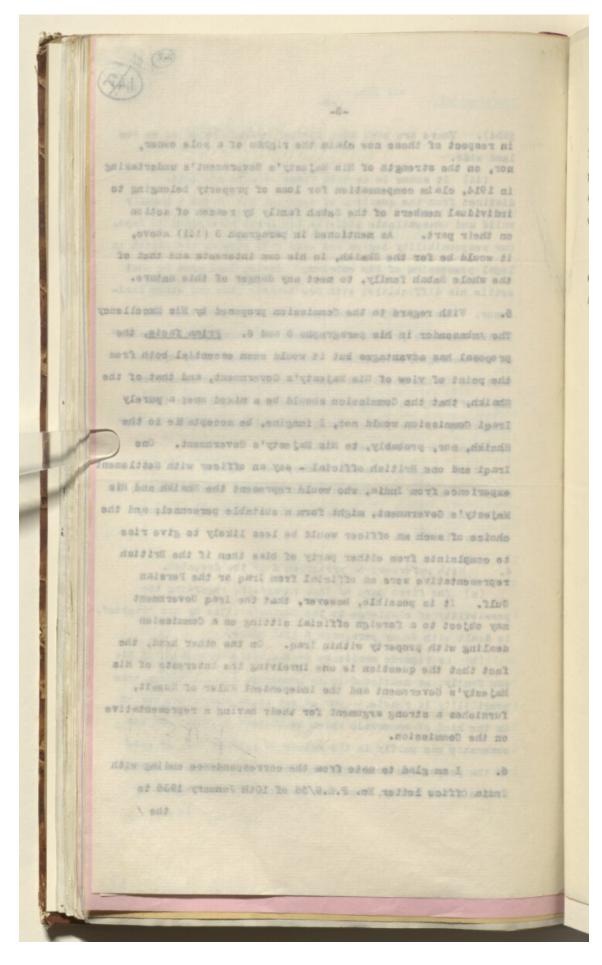




(148) in respect of these now claim the rights of a sole owner. nor, on the strength of His Majesty's Government's undertaking in 1914, claim compensation for loss of property belonging to individual members of the Sabah family by reason of action on their part. As mentioned in paragraph 3 (iii) above, it would be for the Shaikh, in his own interests and that of the whole Sabah family, to meet any danger of this nature. With regard to the Commission proposed by His Excellency The Ambassador in his paragraphs 5 and 6. Prima facie, the proposal has advantages but it would seem essential both from the point of view of His Majesty's Government, and that of the Shaikh, that the Commission should be a mixed one; a purely Iraqi Commission would not, I imagine, be accepta He to the Shaikh, nor, probably, to His Hajesty's Government. Iraqi and one British official - say an officer with Settlement experience from India, who would represent the Shaikh and His Majesty's Government, might form a suitable personnel; and the choice of such an officer would be less likely to give rise to complaints from either party of bias than if the British representative were an official from Iraq or the Persian Gulf. It is possible, however, that the Iraq Government may object to a foreign official sitting on a Commission dealing with property within Iraq. On the other hand, the fact that the question is one involving the interests of His Majesty's Government and the independent Ruler of Kuwait, furnishes a strong argument for their having a representative on the Commission. I am glad to note from the correspondence ending with India Office letter No. P.Z.9/36 of 10th January 1936 to the /

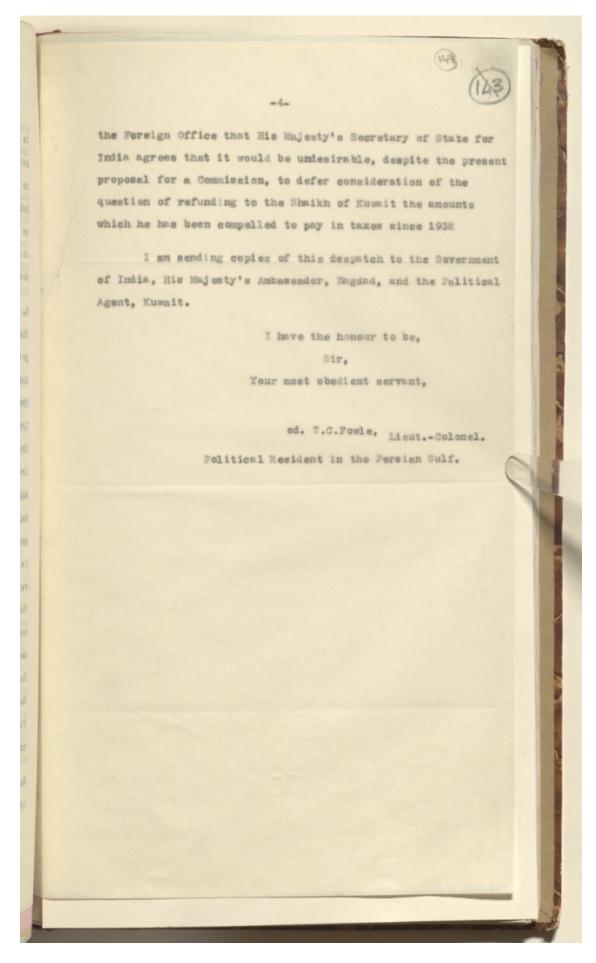






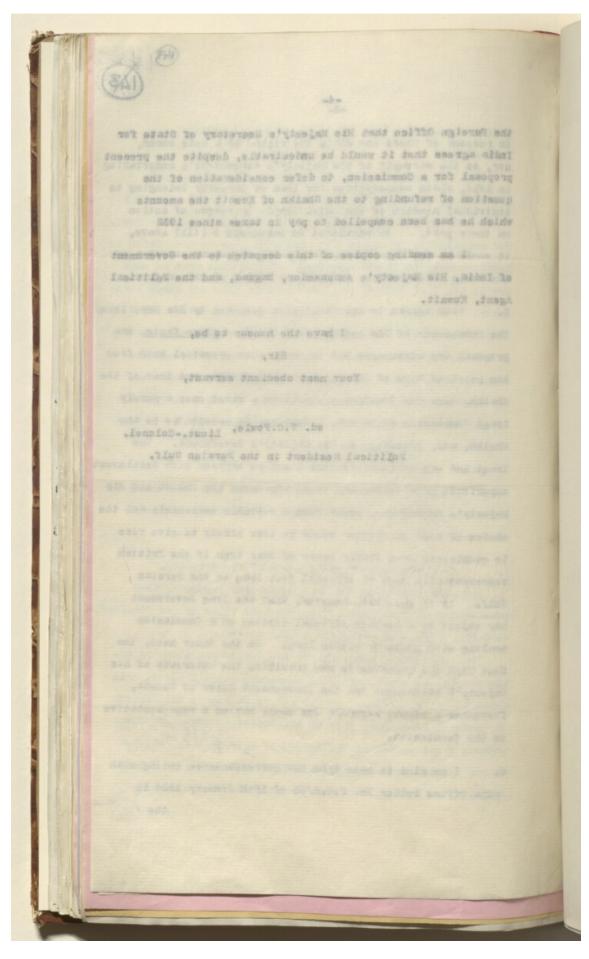






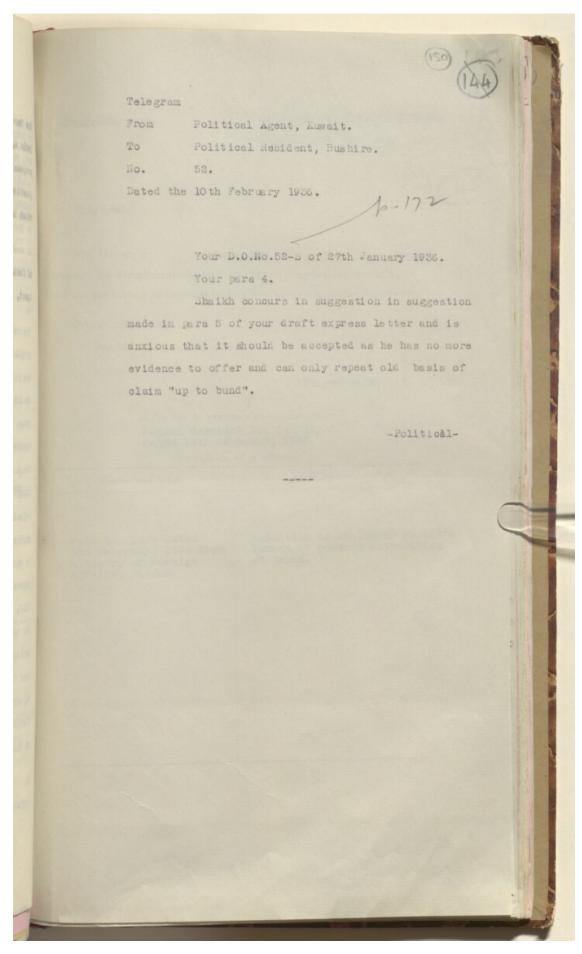






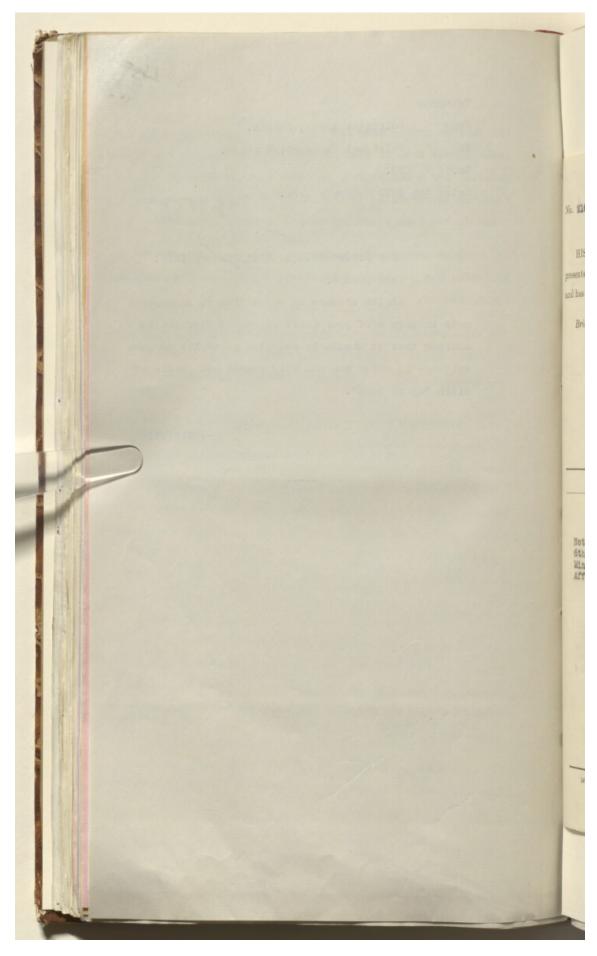












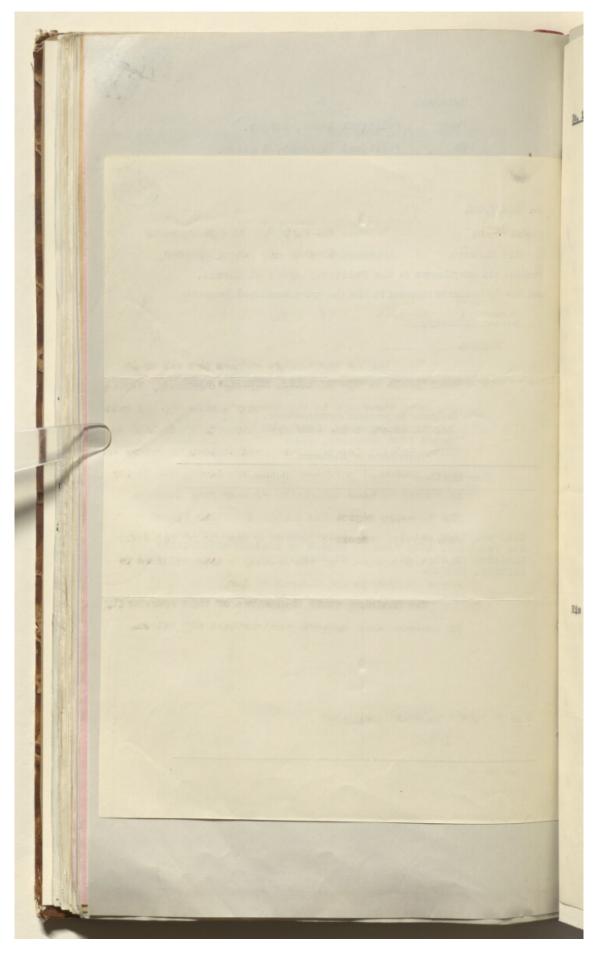




Eerwl	(51) (145)
No. 216/3/36.	
HIS Majesty's Ambas presents his compliments to the 1	ssador at Bagdad Political Agent at Kuwait,
and has the honour to transmit to h	nim the under-mentioned documents.
British Embassy.	
Bagdad	
	7th February, 198.6.
Bagdad despate dated 18th Dec	ous correspondence:  th No. 169/18/35 cember, 1935.  of Enclosure.
Name and Date.	Subject.
Note No. 1222 dated 6th February, 1936 from Ministry of Foreign Affairs, Bagdad.	Retention of Shaikh of Kuwait's launch by customs authorities at Basra.
3479 7888 (2)	
The state of the s	and the same of th

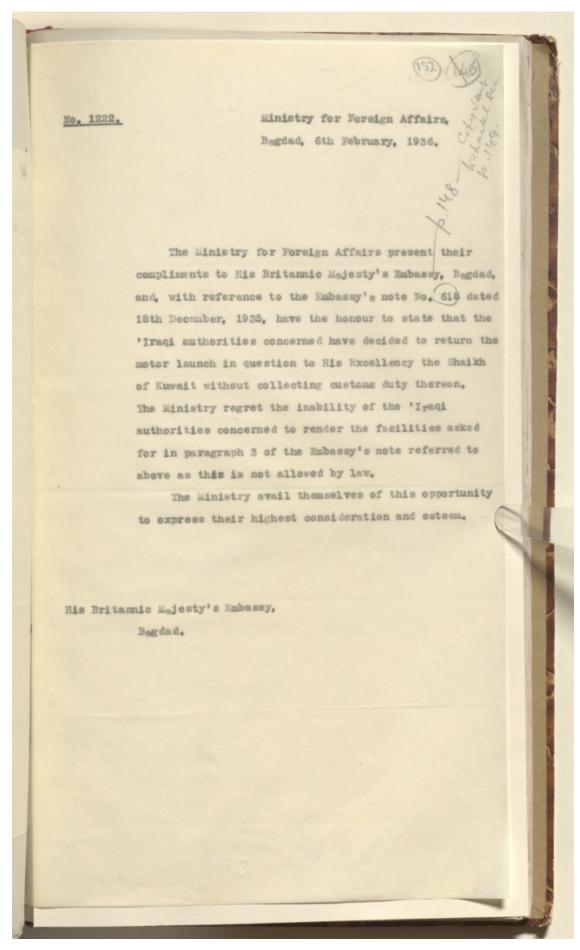






## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [152r] (308/412)



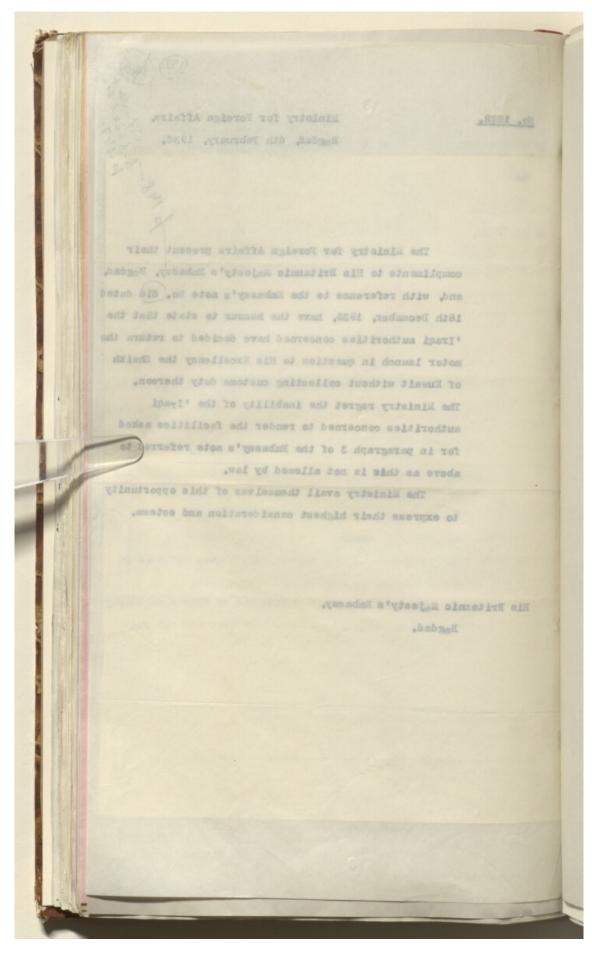


Reference: IOR/R/15/5/145. Copyright for this page: Unknown

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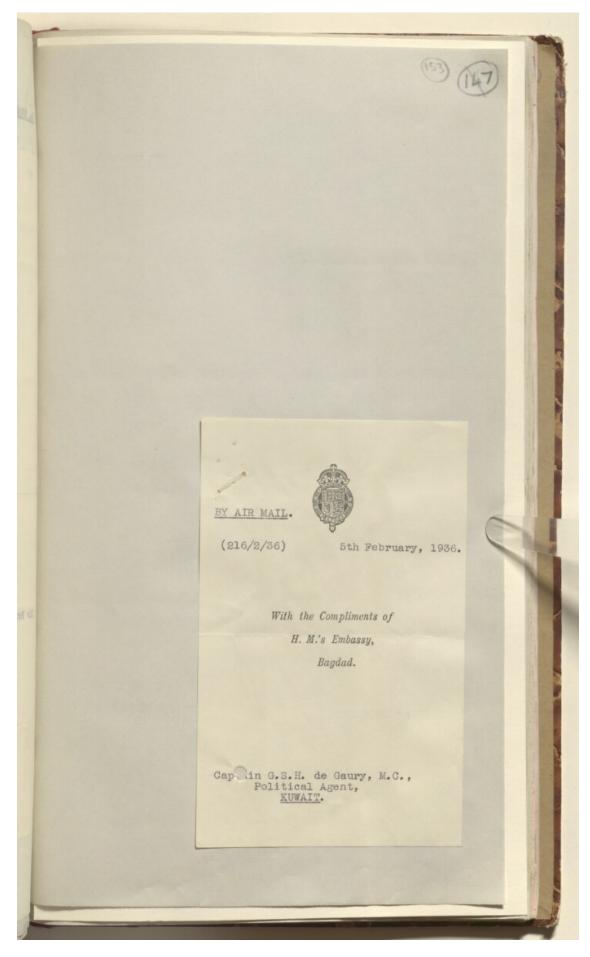






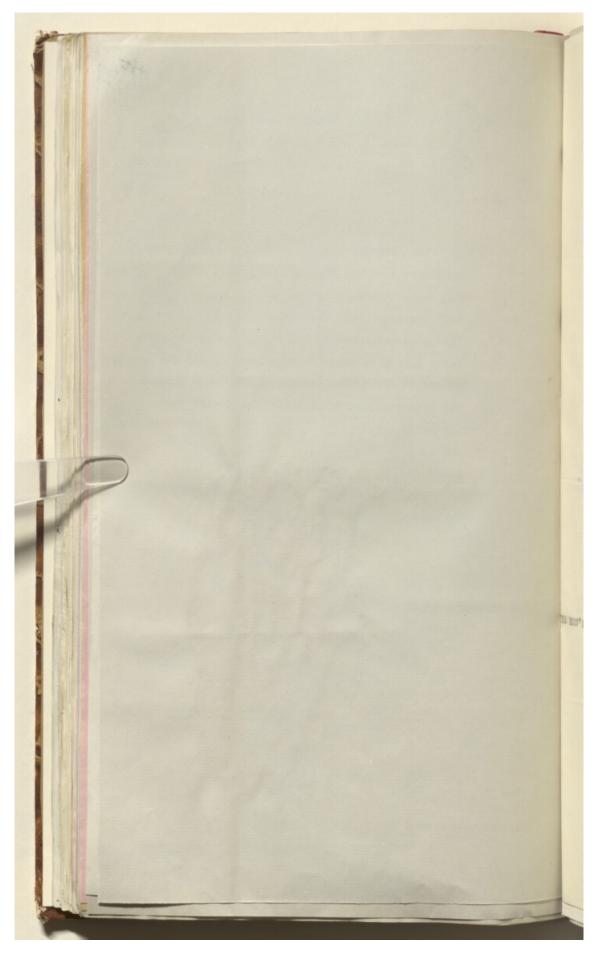






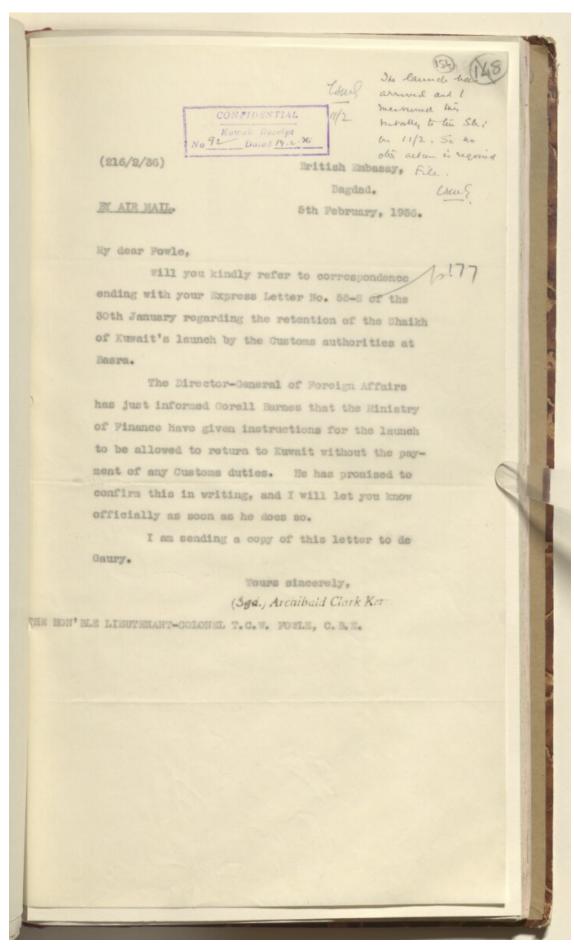






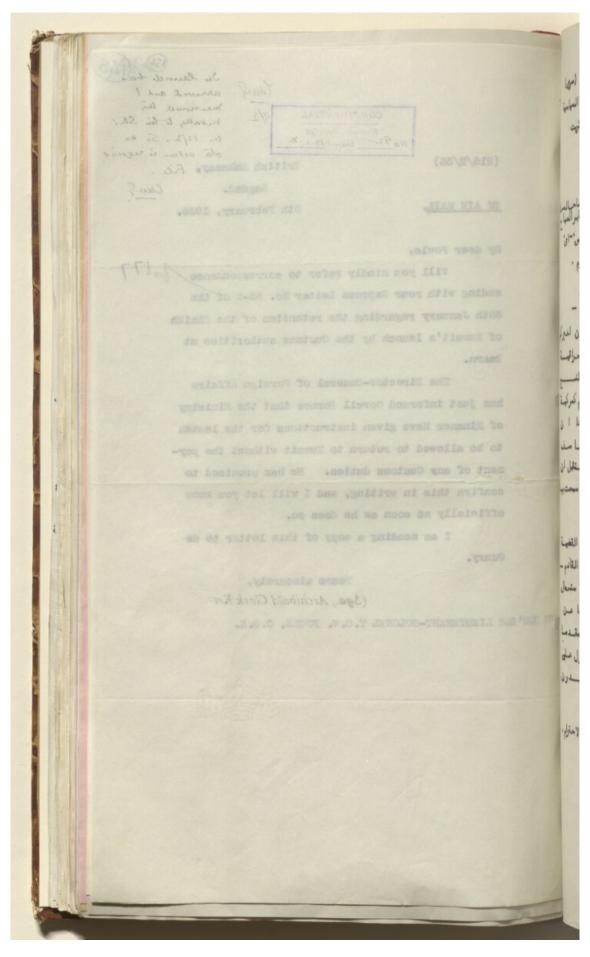
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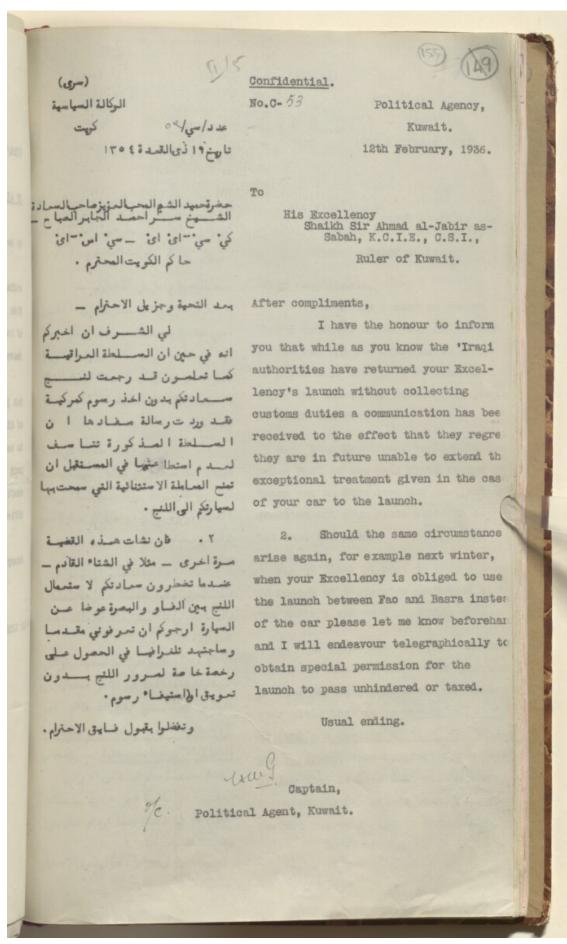






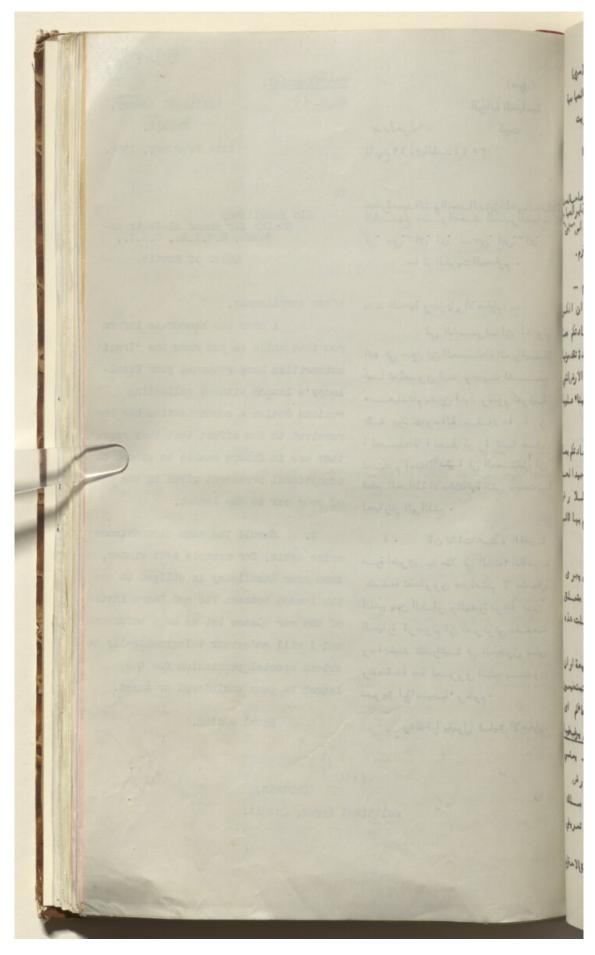
## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [155r] (314/412)





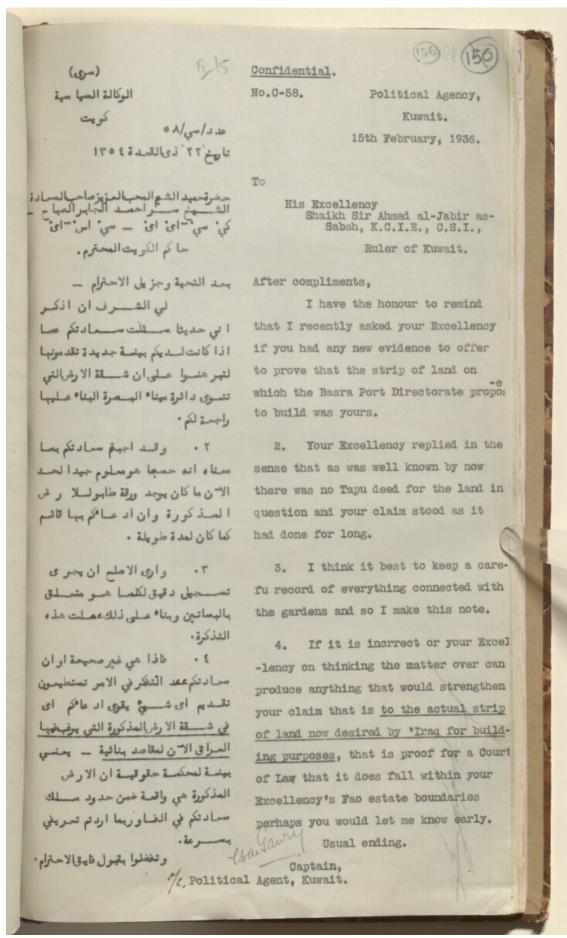






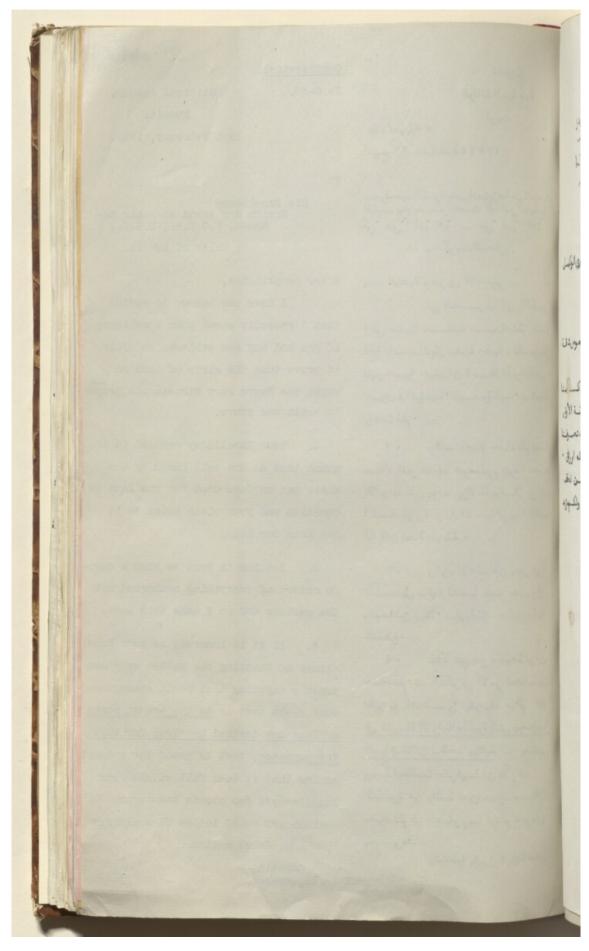
## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [156r] (316/412)





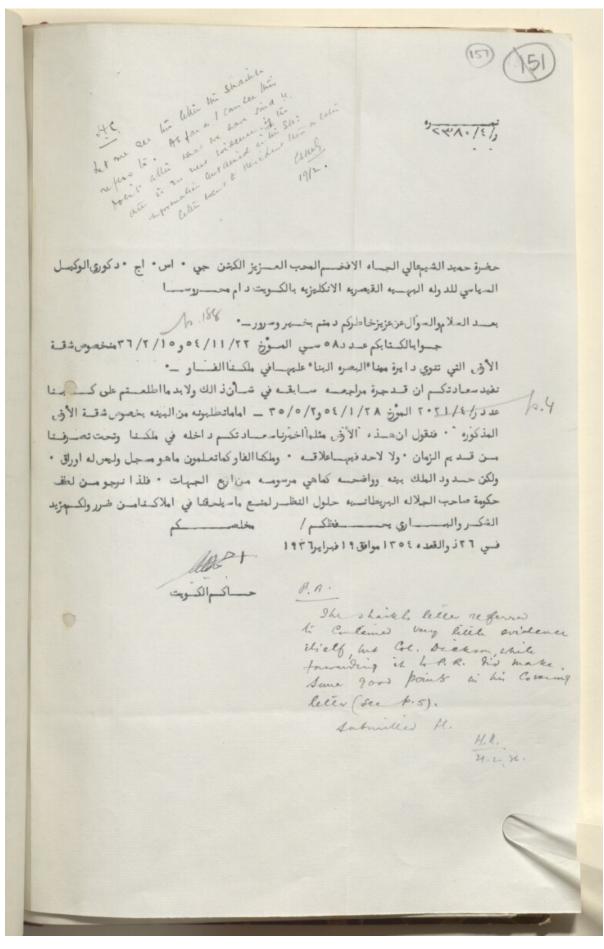






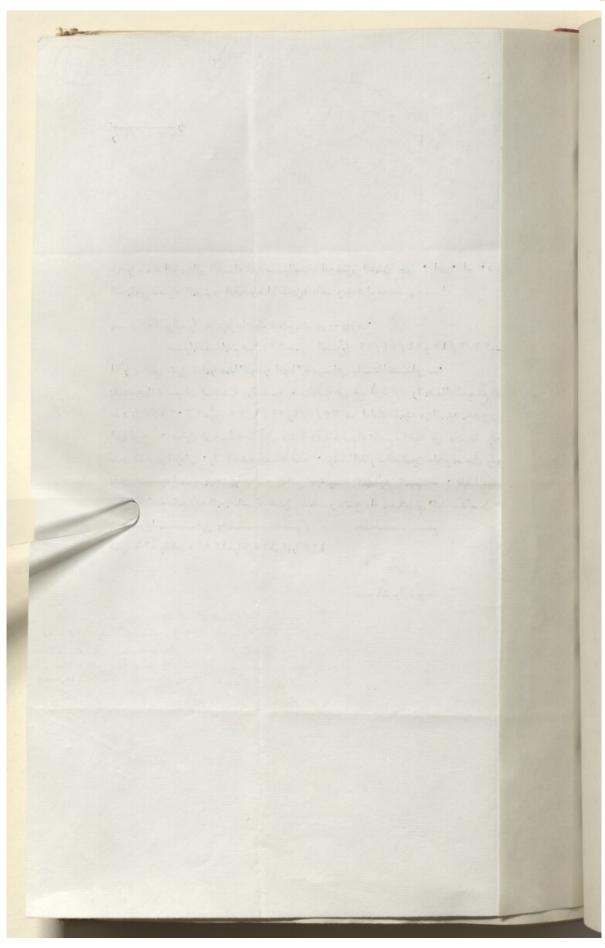
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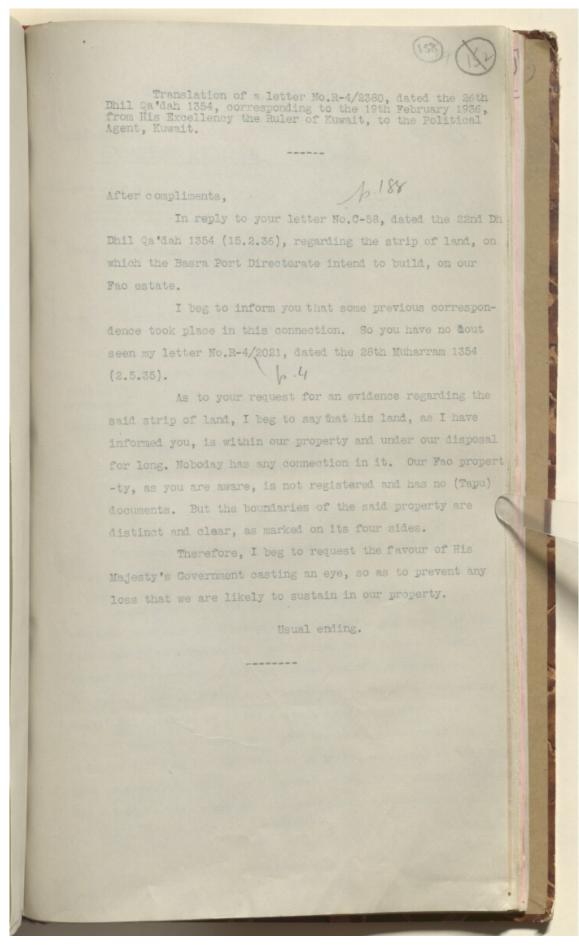






# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [158r] (320/412)





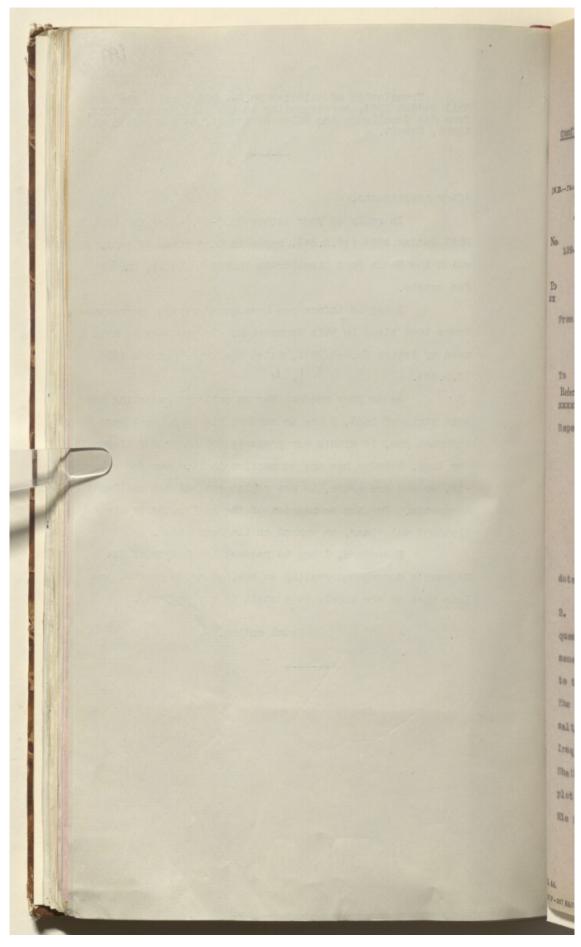
Reference: IOR/R/15/5/145. Copyright for this page: Public Domain

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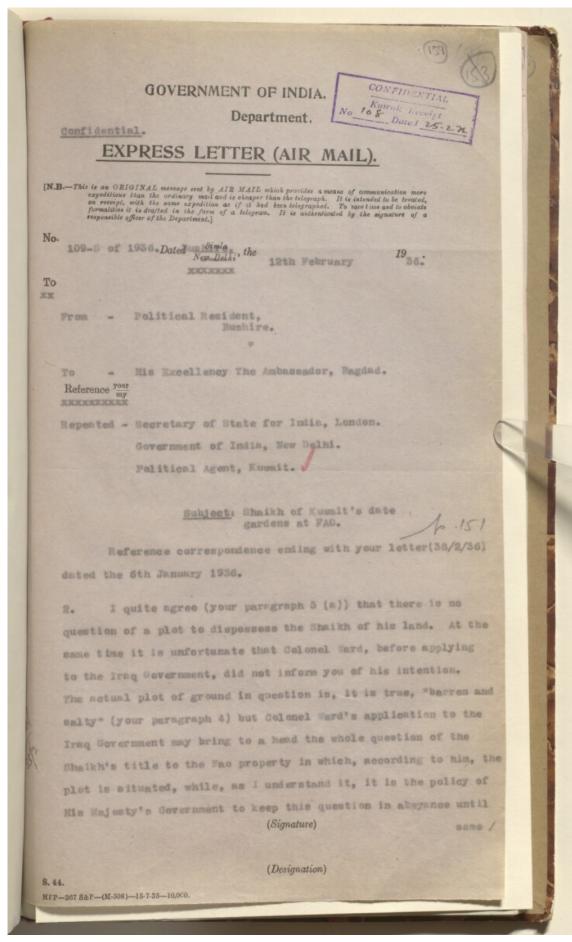






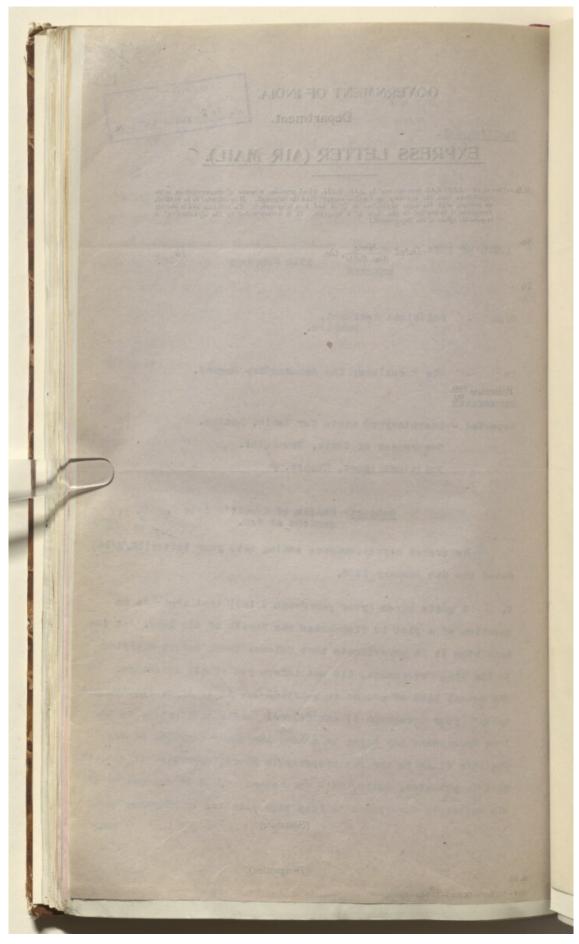
# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [159r] (322/412)











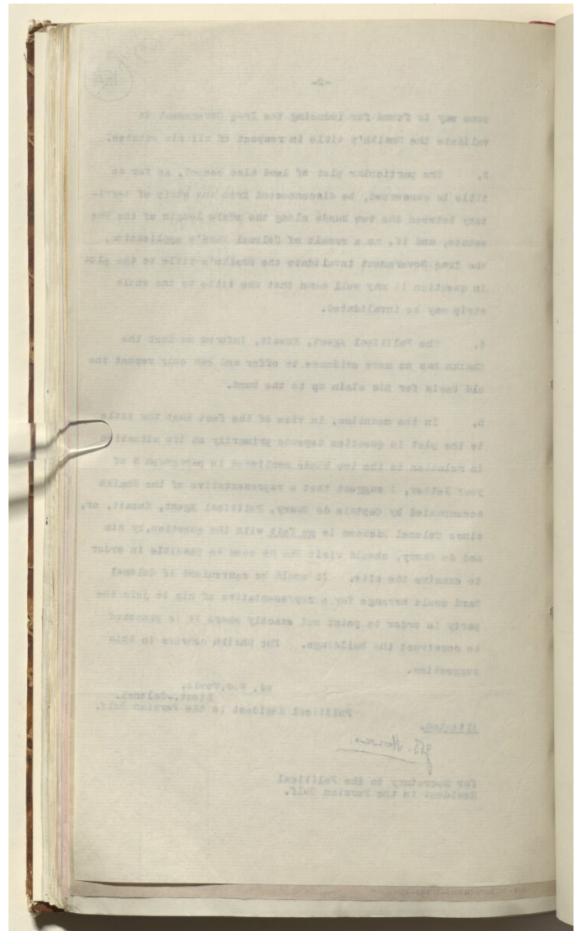
# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [160r] (324/412)



-2some way is found for inducing the Iraq Government to validate the Shaikh's title in respect of all his estates. The particular plot of land also cannot, as far as title is concerned, be disconnected from the strip of territory between the two bunds along the whole length of the Fao estate, and if, as a result of Colonel Ward's application, the Iraq Government invalidate the Shaikh's title to the plot in question it may well mean that the title to the whole strip may be invalidated. The Political Agent, Kuwait, informs me that the Shaikh has no more evidence to offer and can only repeat the old basis for his claim up to the bund. In the meantime, in view of the fact that the title to the plot in question depends primarily on its situation in relation to the two bunds mentioned in paragraph 3 of your letter, I suggest that a representative of the Shaikh accompanied by Captain de Gaury, Political Agent, Kuwait, or, since Colonel Dickson is au fait with the question, by him and de Chury, should visit Fao as soon as possible in order to examine the site. It would be convenient if Colonel Ward could arrange for a representative of his to join the party in order to point out exactly where it is proposed to construct the buildings. The Shaikh concurs in this suggestion. sd. T.C. Fowle, Lieut.-Colonel. Political Resident in the Persian Gulf. Attented. for Secretary to the Political Resident in the Persian Gulf.

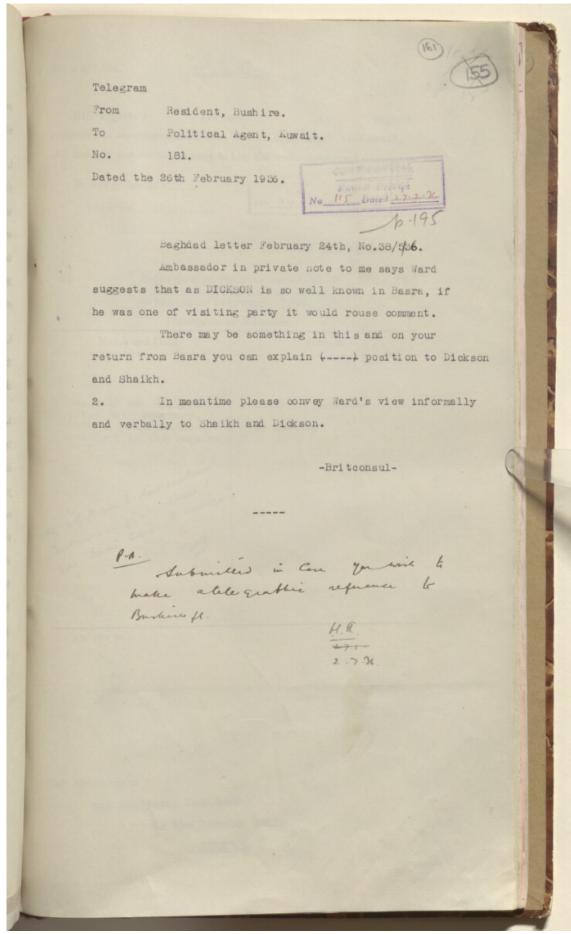
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [160v] (325/412)





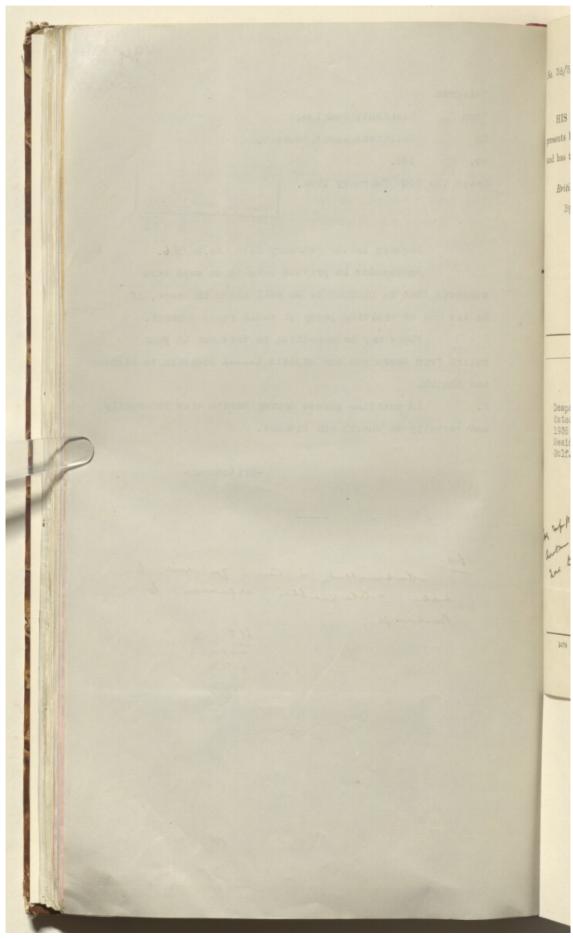
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [161r] (326/412)





# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [161v] (327/412)





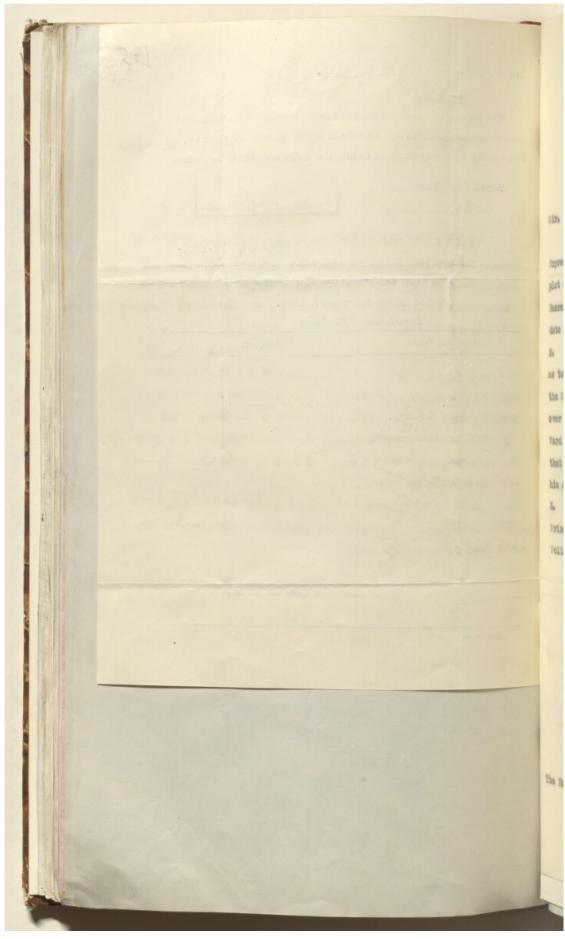
# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [162r] (328/412)



		(62) /91	
No. 38/5/36. BY AI	R MAIL.	(156)	2
HIS Majesty's Amba	ssador at	Dondad	
presents his compliments to the	****	Bagdad	
and has the honour to transmit to			
British Embassy,	CC 777 7716		
	No Ity Dated 17	2.20	
Bagdad.			
***************************************	24th Februar	X 193.6.	
1			
Reference to previous Bushire Expredated 12th Fe	ss Letter No. 109-8 bruary, 1936.	- 195	
	of Enclosure.		
Name and Date.	Subject.		
Despatch No. 38/5/36			
dated 24th February.	Shaikh of Kuwait's	3	- 1
1936 to the Political Resident in the Persian	Fao Estate.		~
Gulf.			
- Lewline			1
South and I have shall a ware took to ware took took took took 3/3			70
las at print to the			
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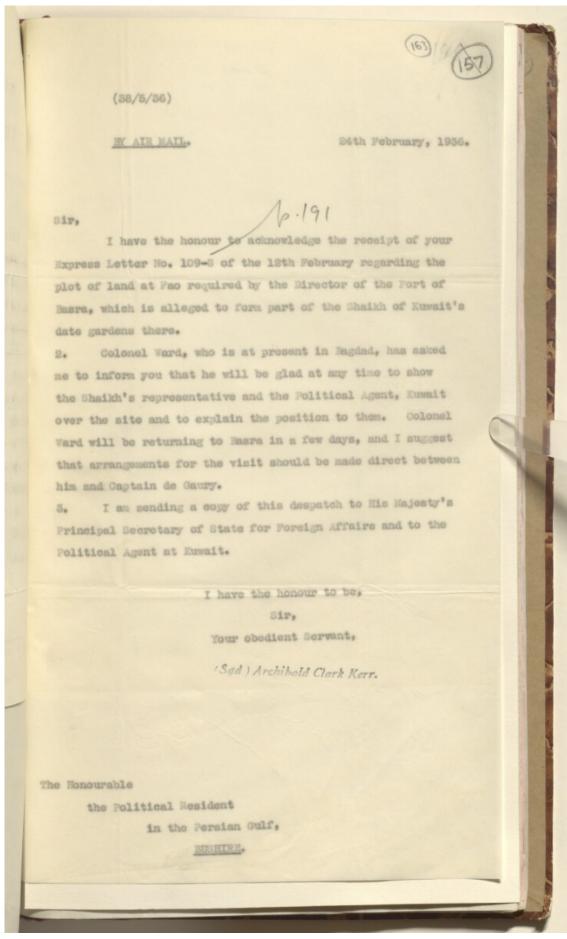
# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [162v] (329/412)





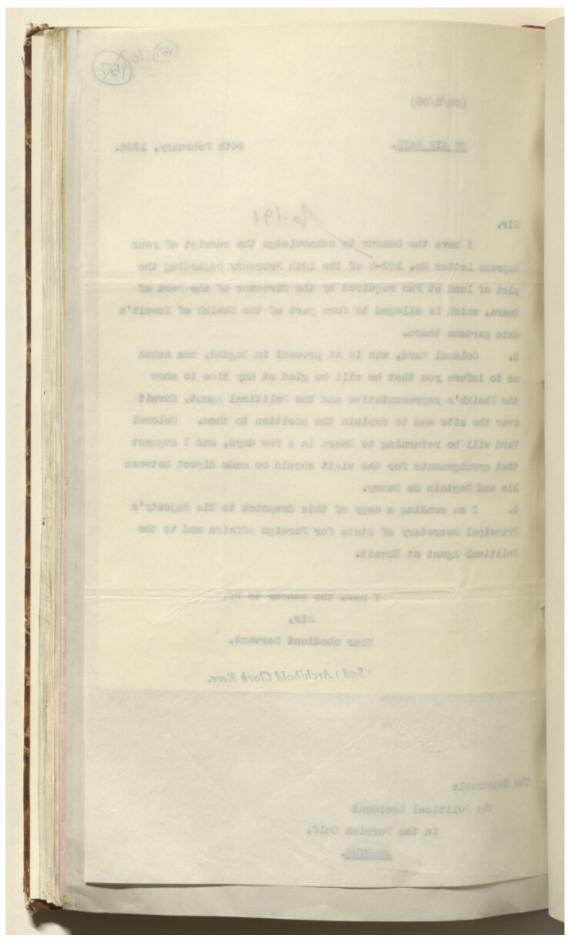
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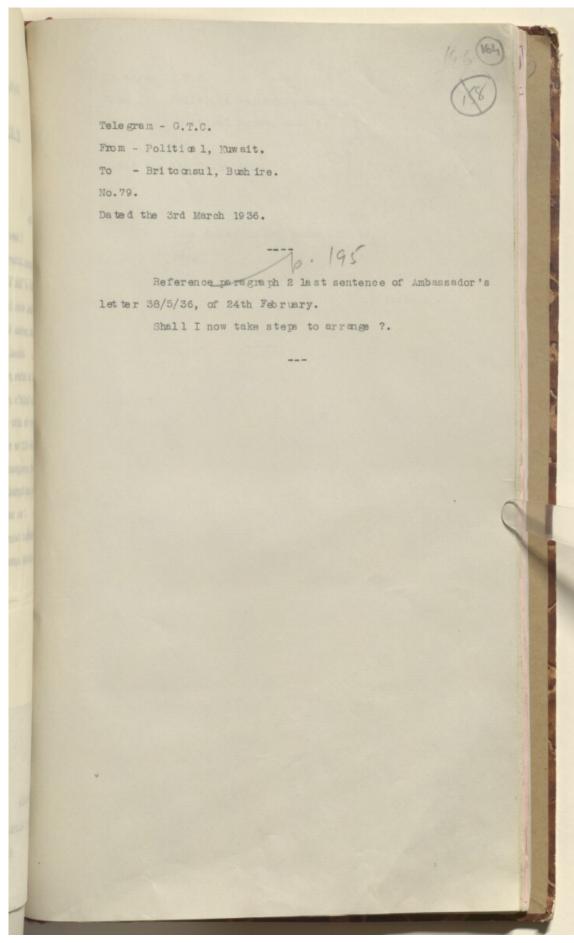






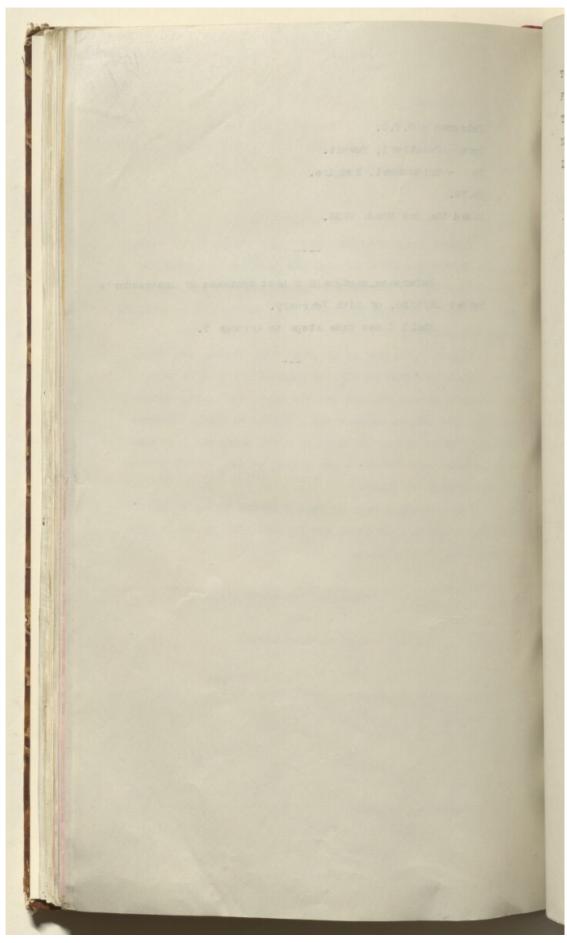
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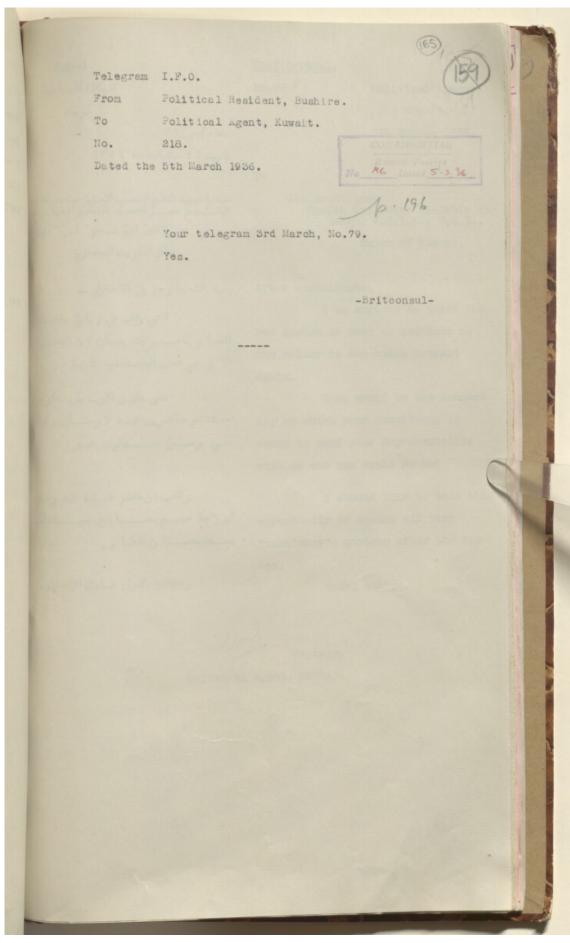






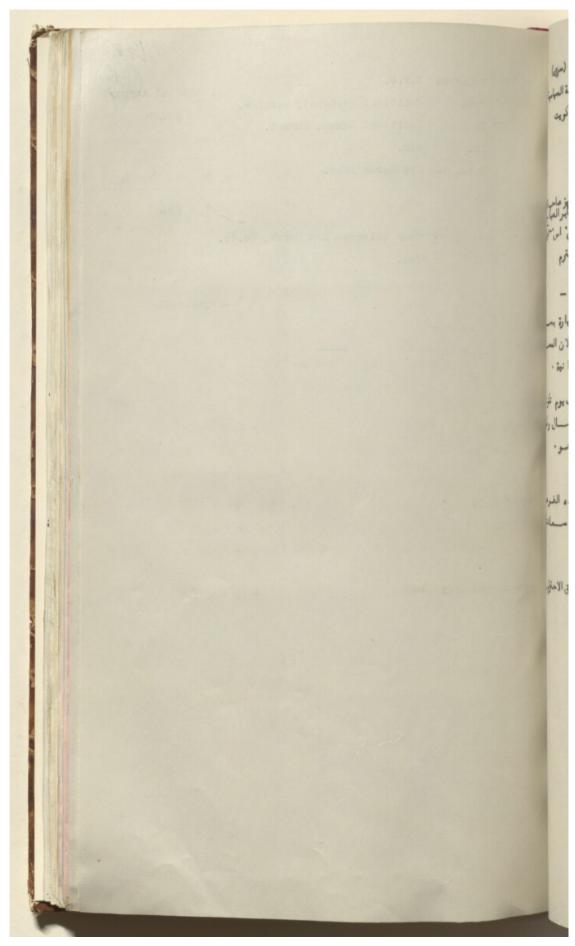
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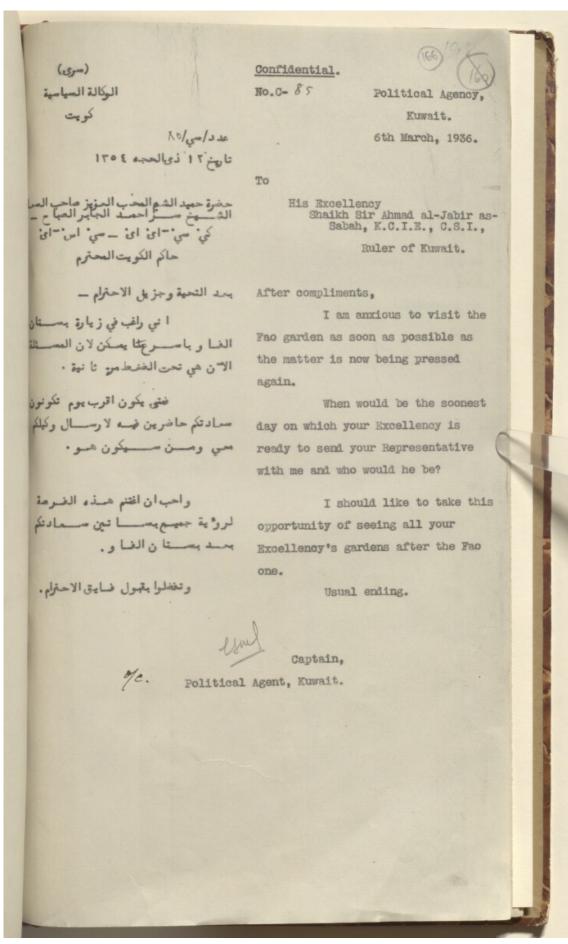






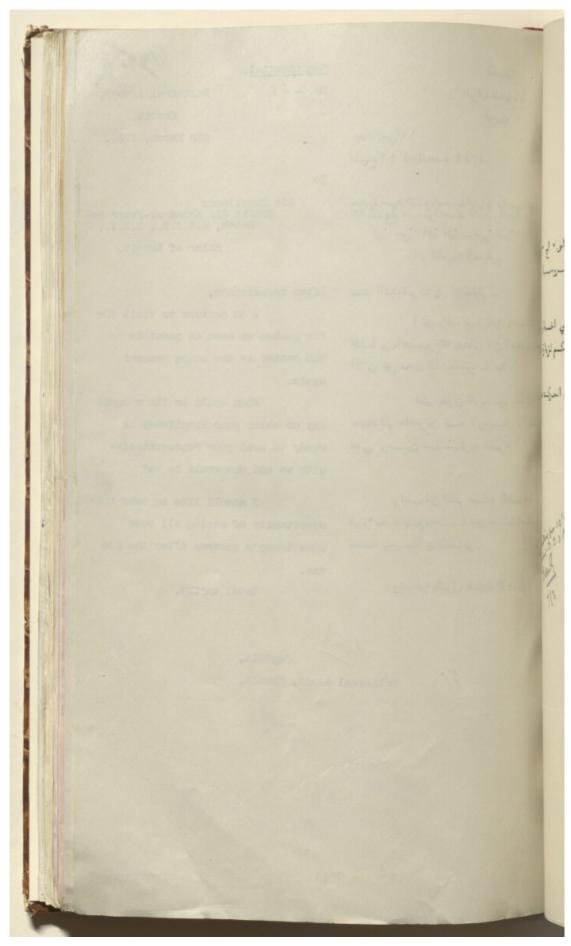
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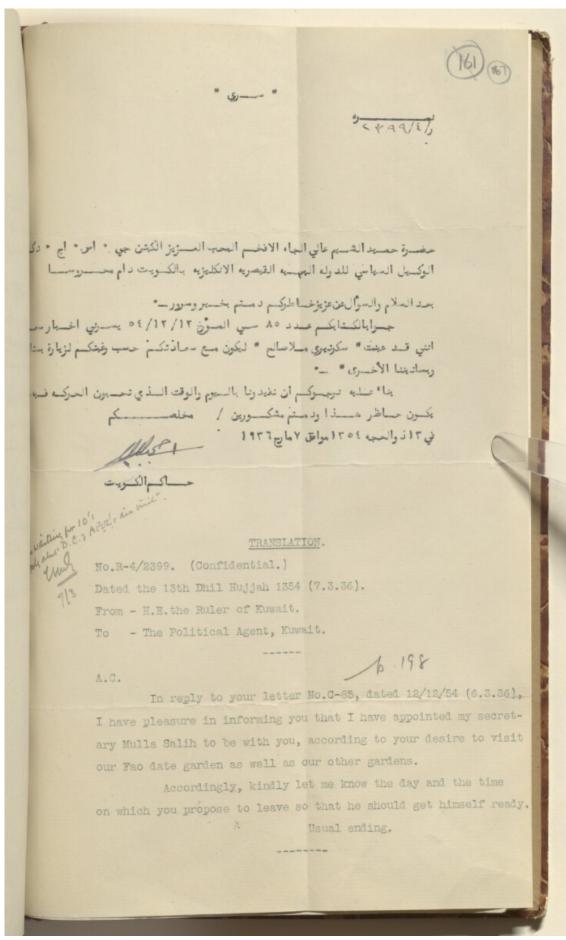






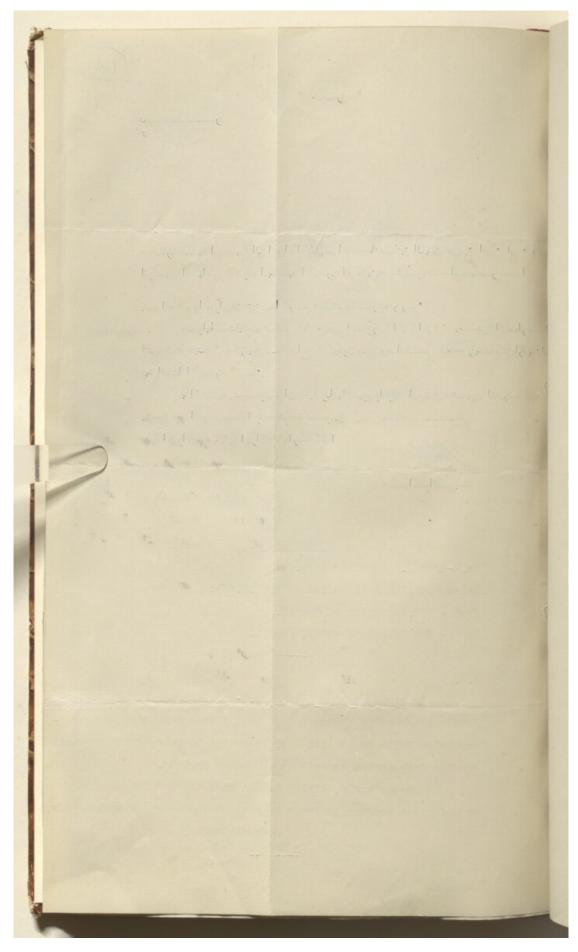
## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [167r] (338/412)





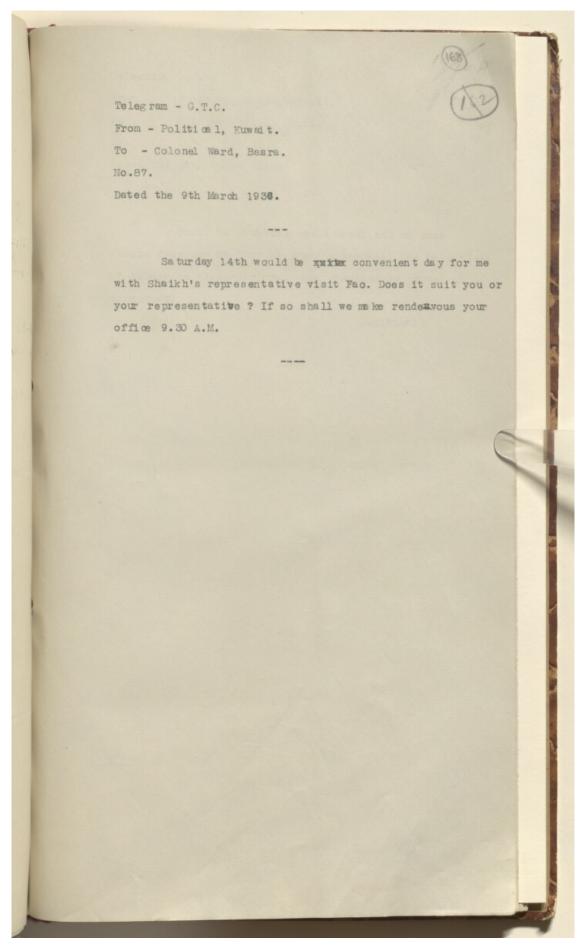






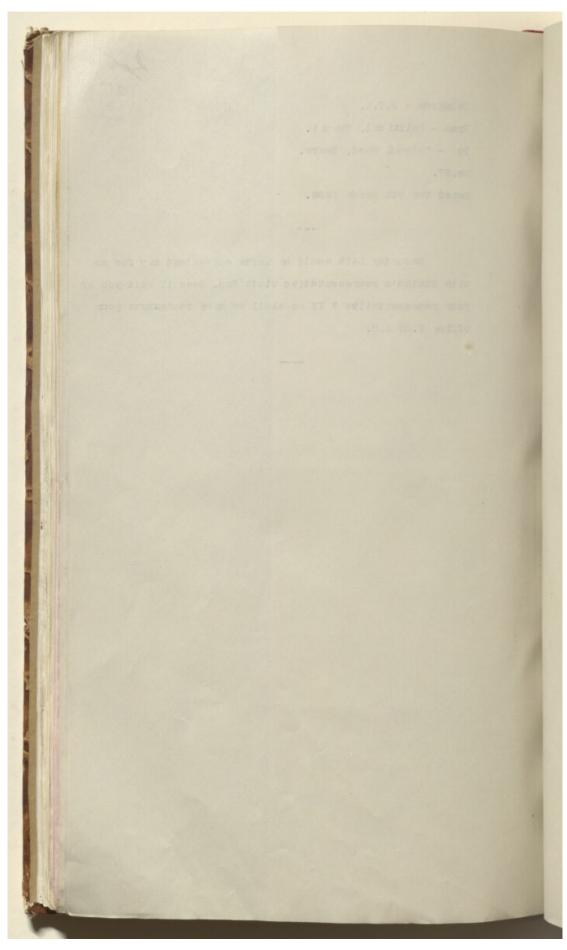
# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [168r] (340/412)





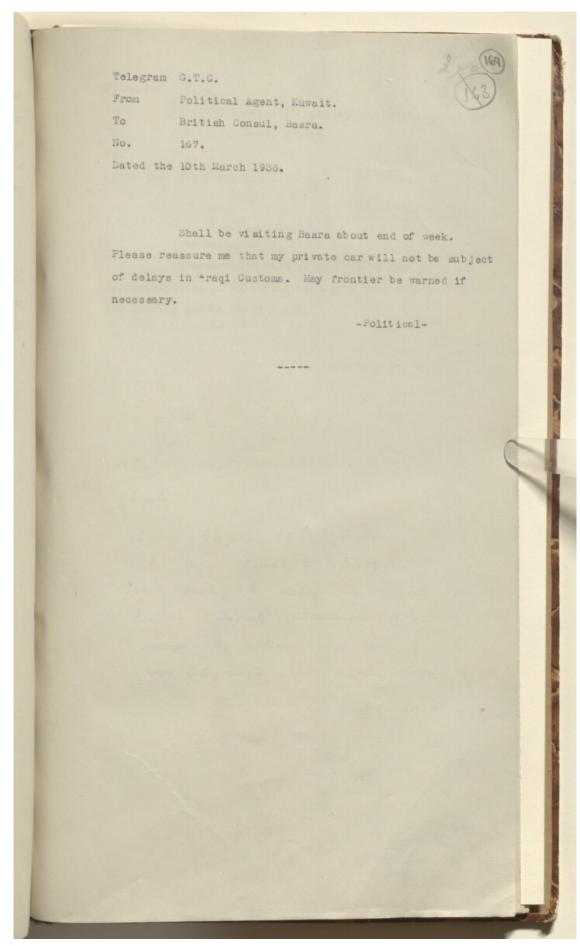






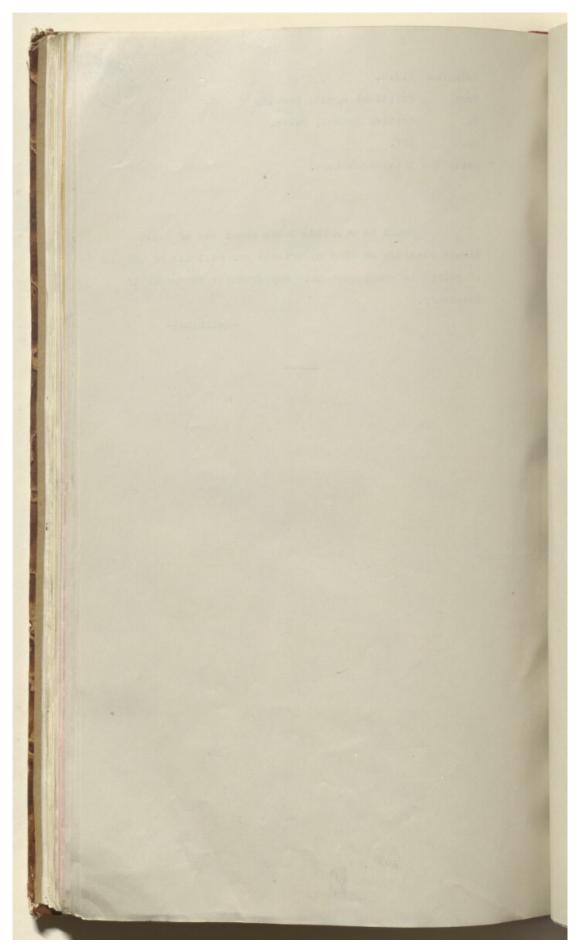
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [169r] (342/412)





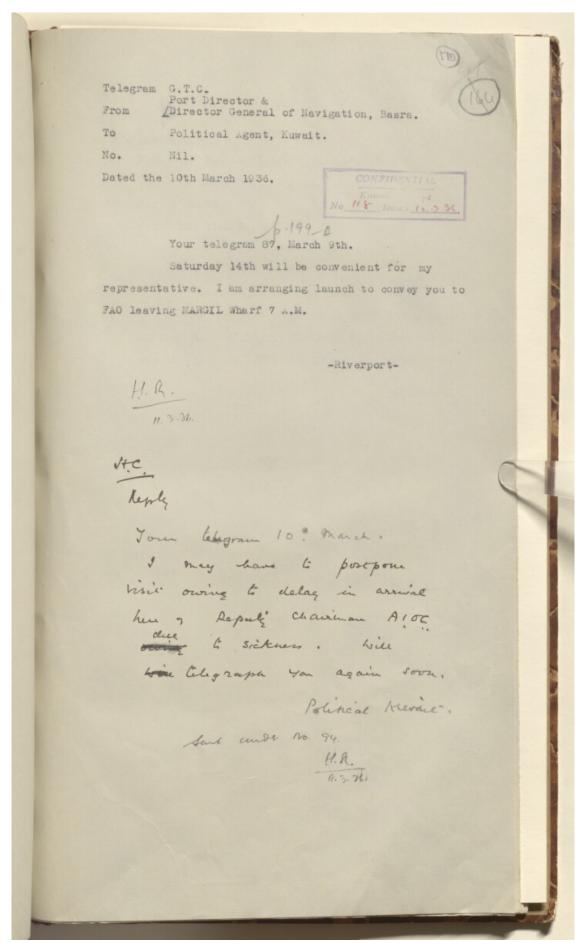






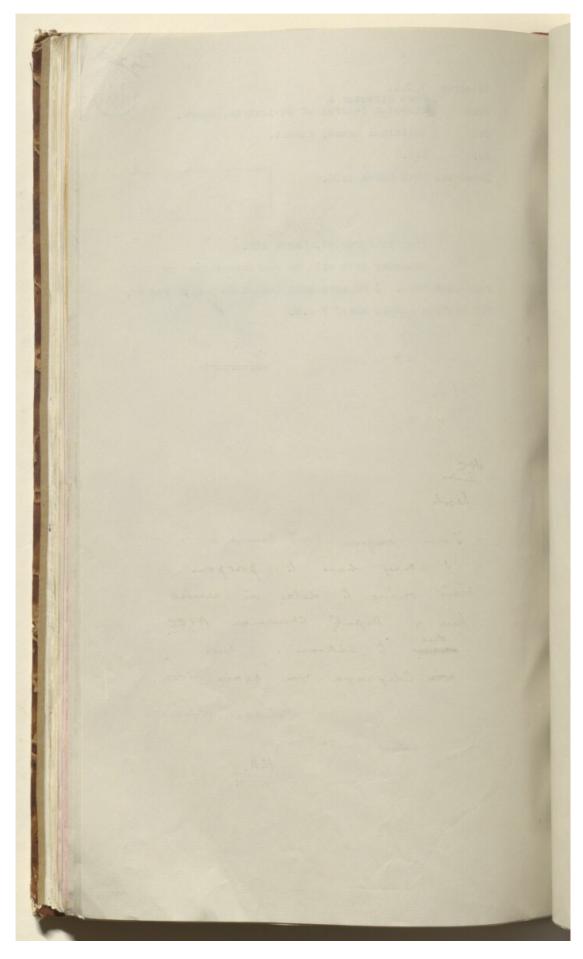
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [170r] (344/412)





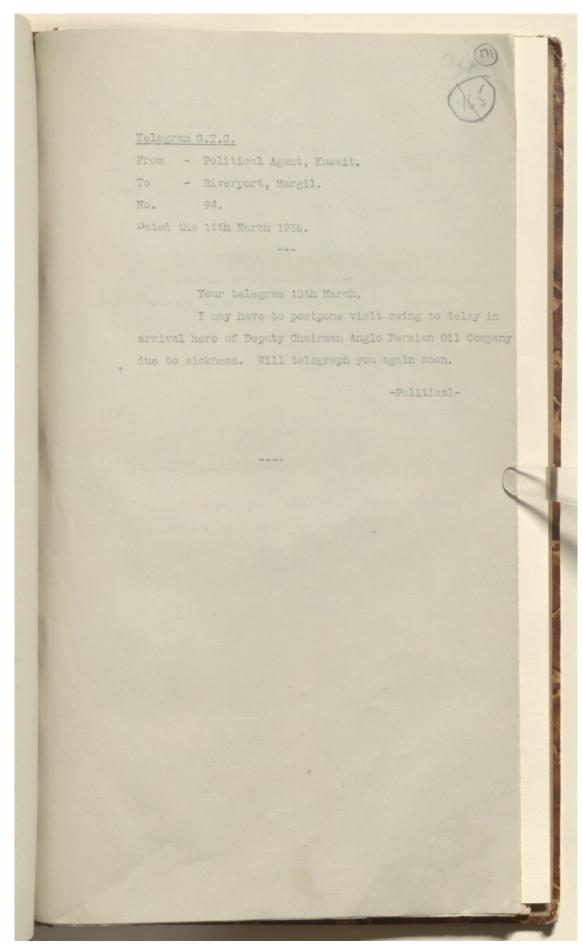






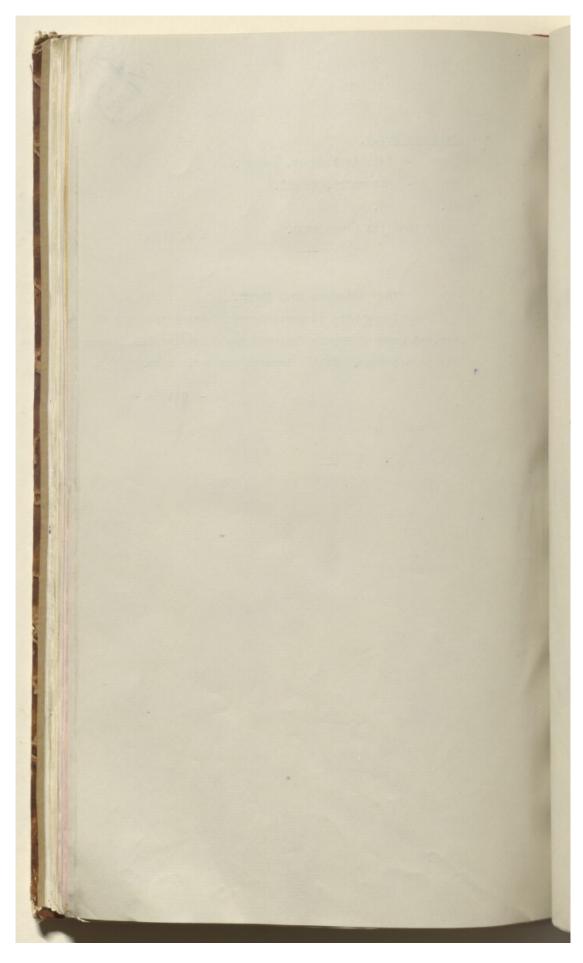






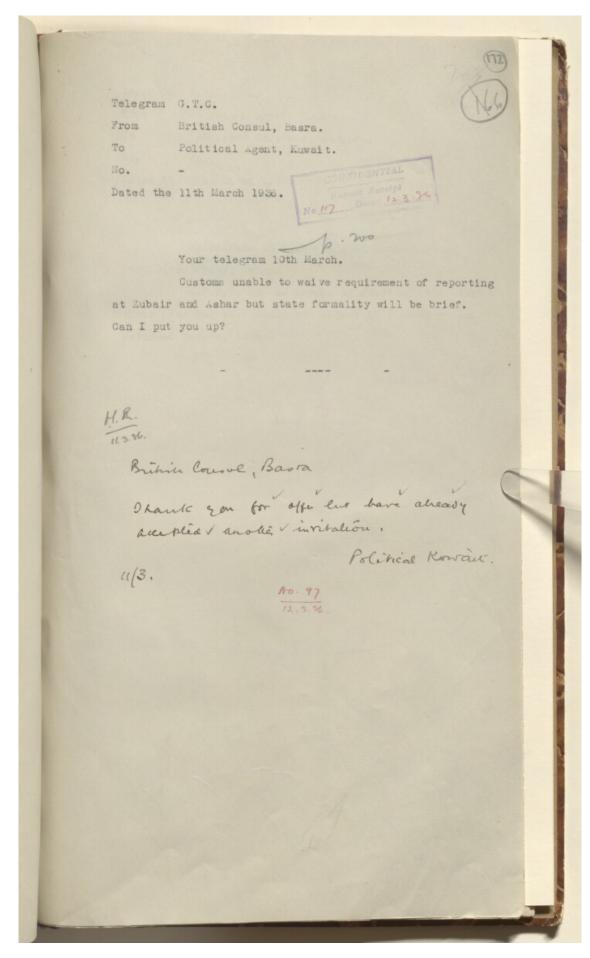






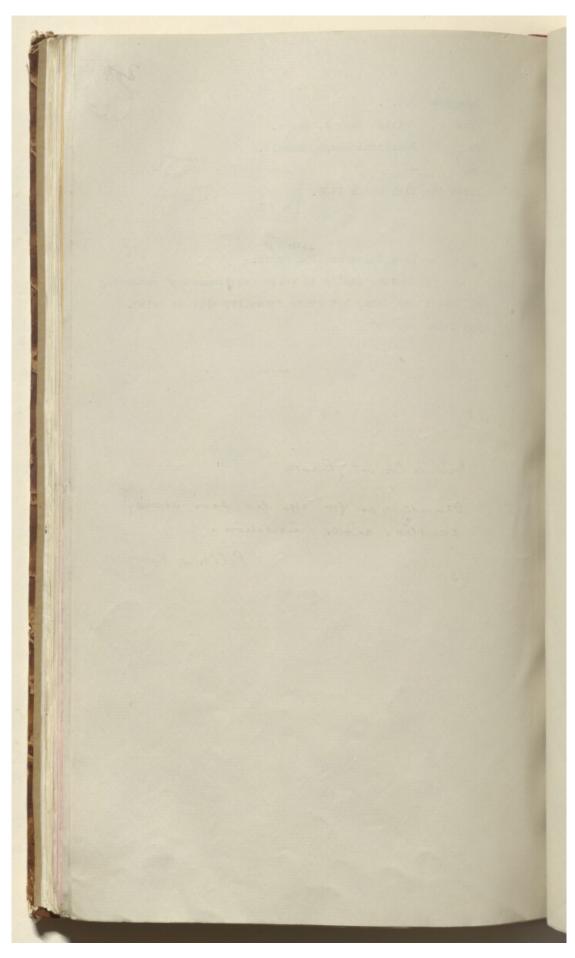
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [172r] (348/412)





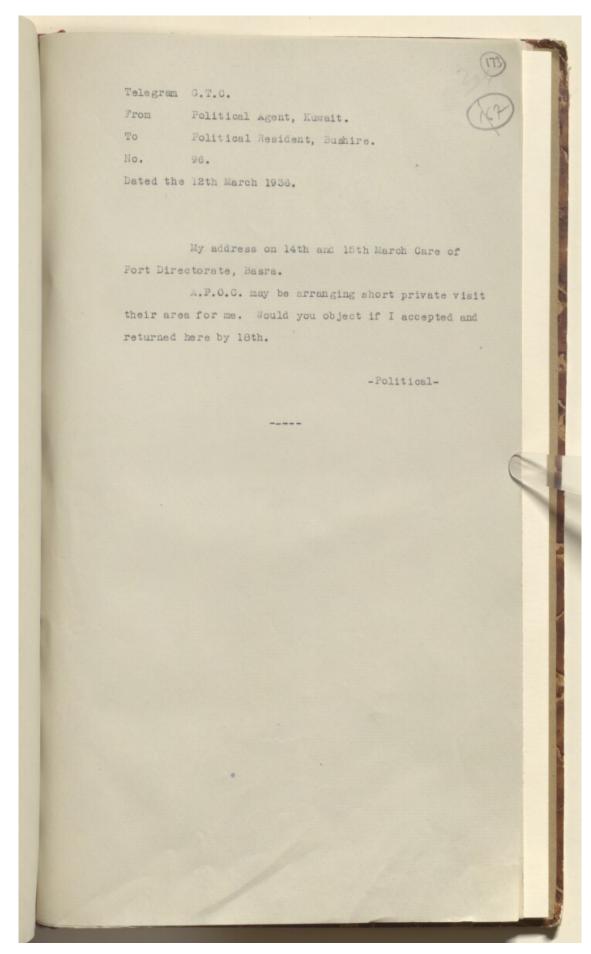






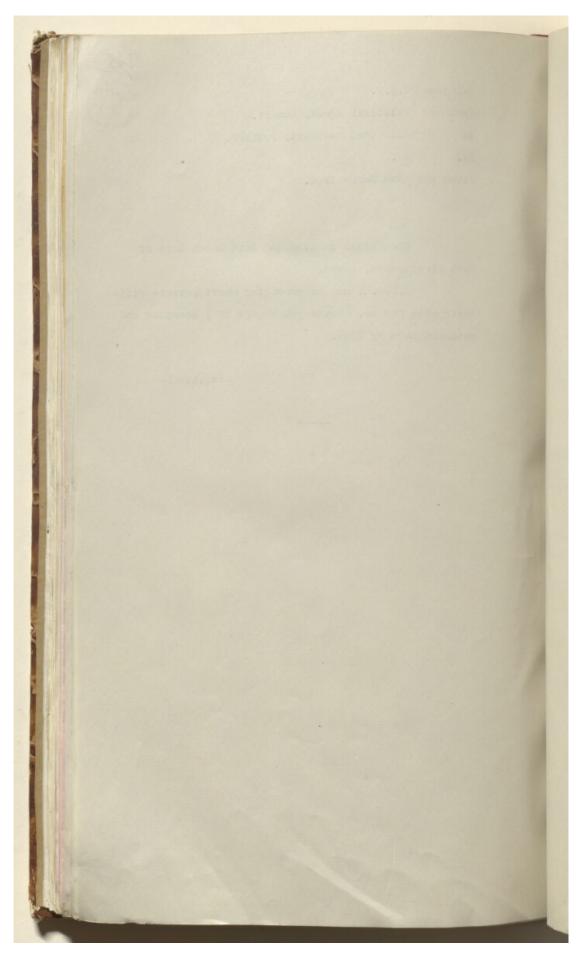






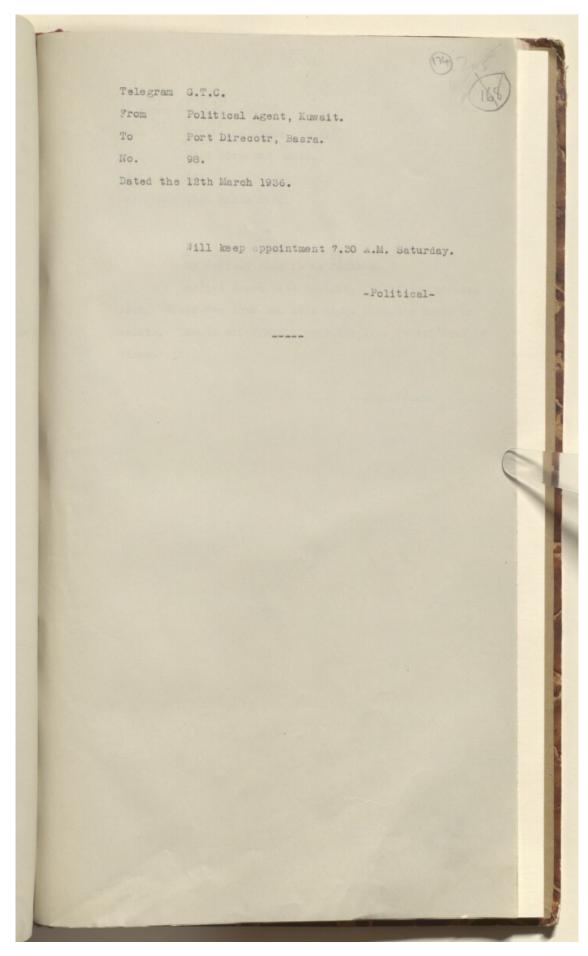






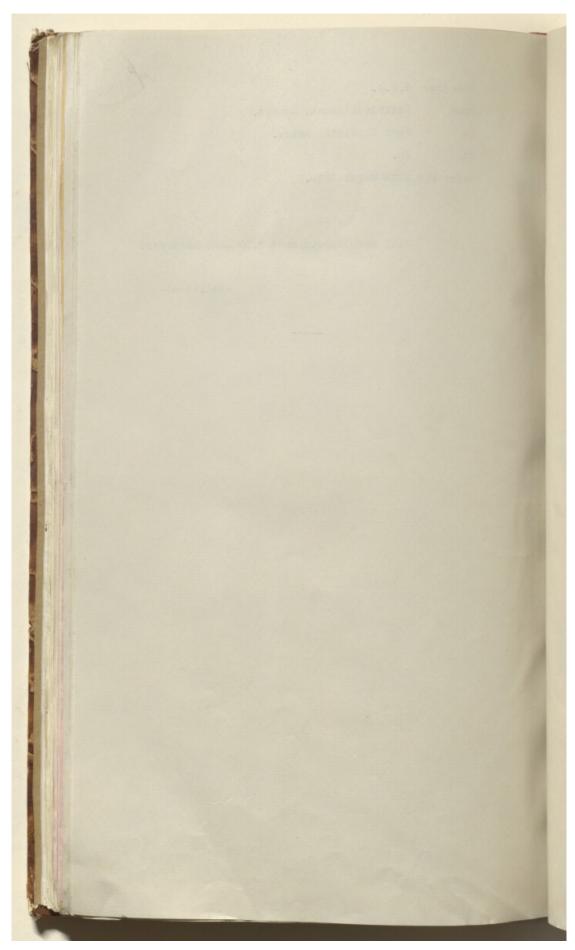






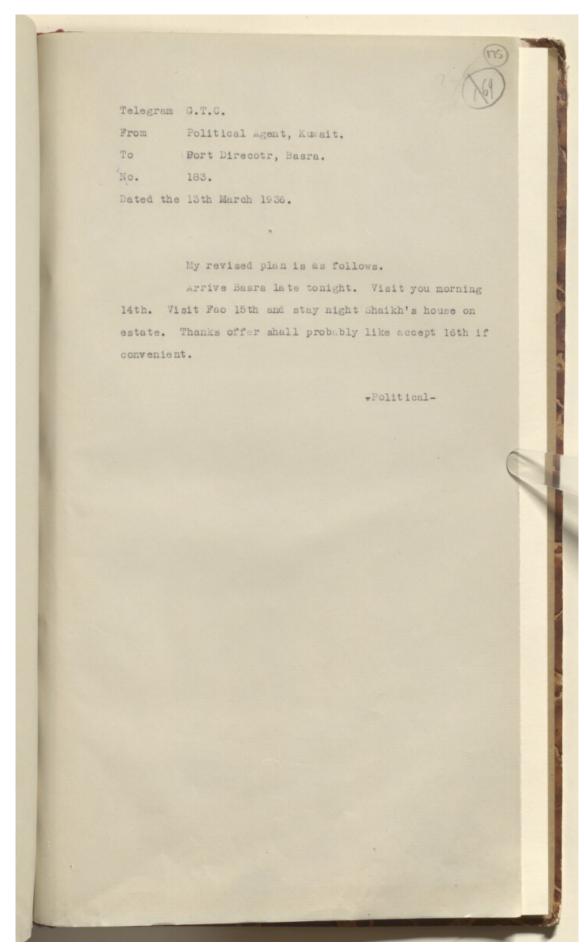






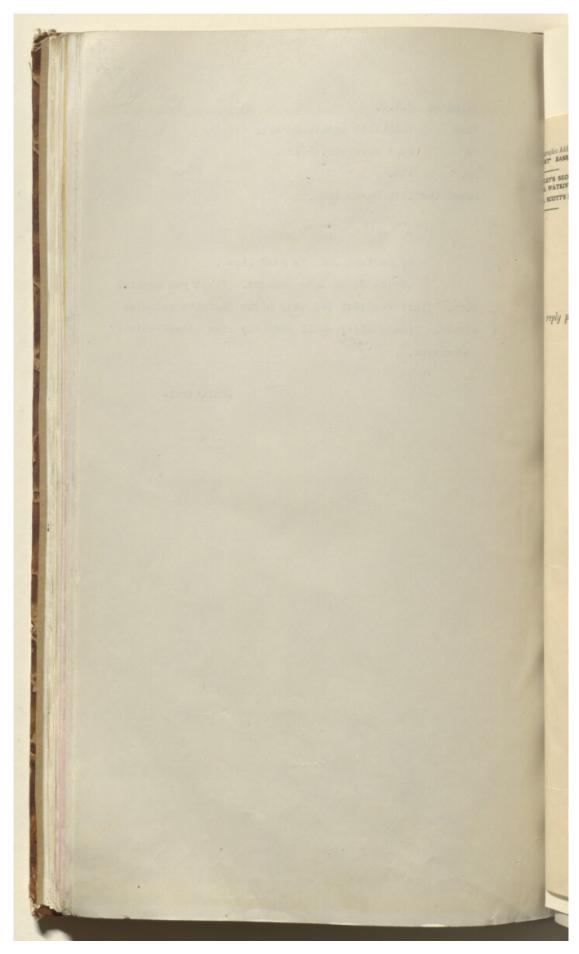
# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [175r] (354/412)











# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [176r] (356/412)



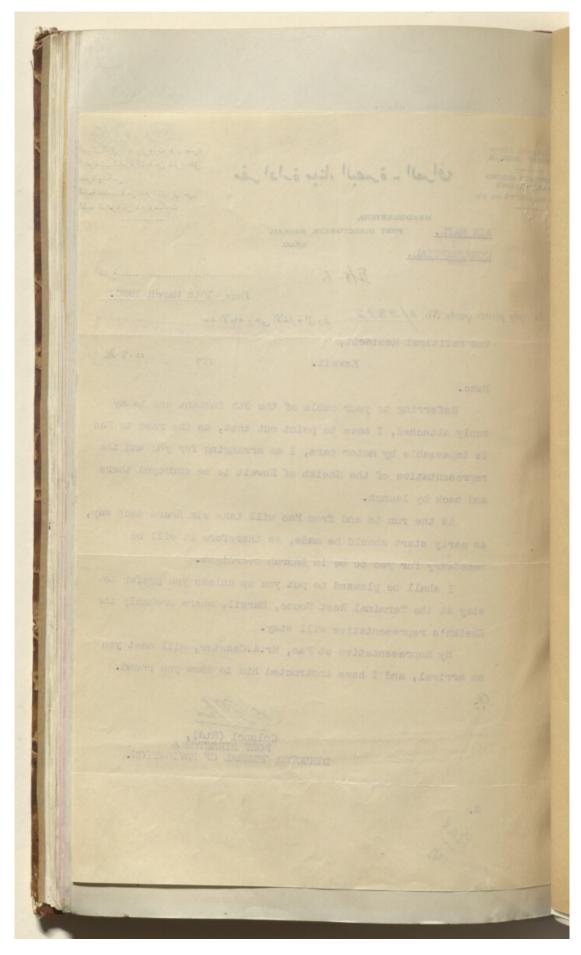
raphic Add	
I" BASE	العنوان البرقي . د ر تر اور ۲ - المحره .
EY'S SECO	خنرة وانكنس. مصر الدارة مناء البصرة - العراقة
SCOTT'S	الطبعة العاشرة من شفرة سكوت .
	AIR MAIL. PORT DIRECTORATE, BASRAH.
	CONFIDENTIAL.
	II/5-6
	Date 10th March 1936.
reply p	عند الاجابة يرجى الاشارة الى رقم 3892 عند الاجابة يرجى الاشارة الى رقم
	The Political Resident,
	Koweit.
	Memo.
	Referring to your cable of the 9th instant and to my
	reply attached, I have to point out that, as the road to Fao
	is impassable by motor cars, I am arranging for you and the
	representative of the Sheikh of Koweit to be conveyed there
	and back by launch.
	As the run to and from Fao will take six hours each way,
	an early start should be made, so therefore it will be
	necessary for you to be in Basrah overnight.  I shall be pleased to put you up unless you prefer to
	I shall be pleased to put you up distance of the stay at the Terminal Rest House, Margil, where probably the
	Sheikh's representative will stay.
	My Representative at Fao, Mr.A.Coaster, will meet you
	on arrival, and I have instructed him to show you round.
	C 1000
	899.1hm
	Colonel (Rtd),
	DIRECTOR GENERAL OF NAVIGATION.
	s.

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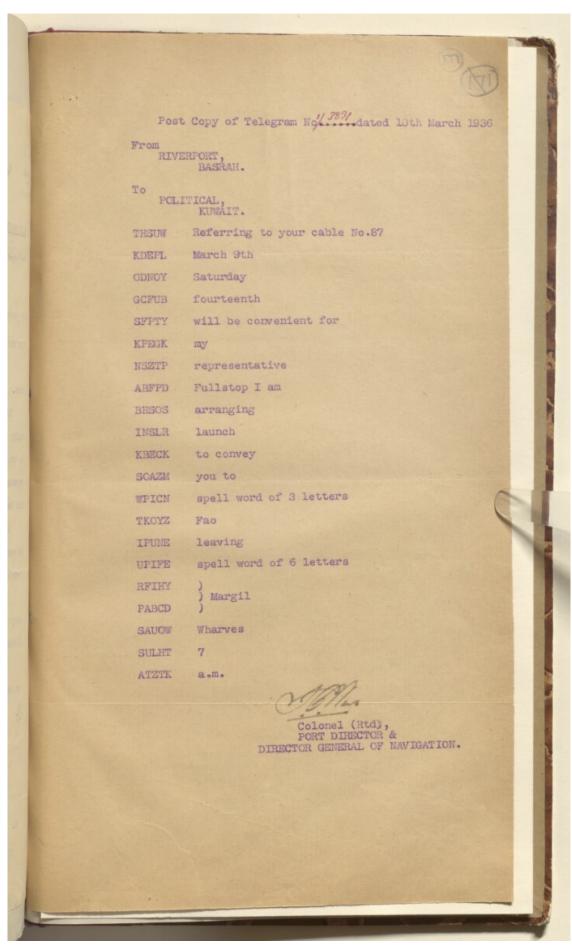






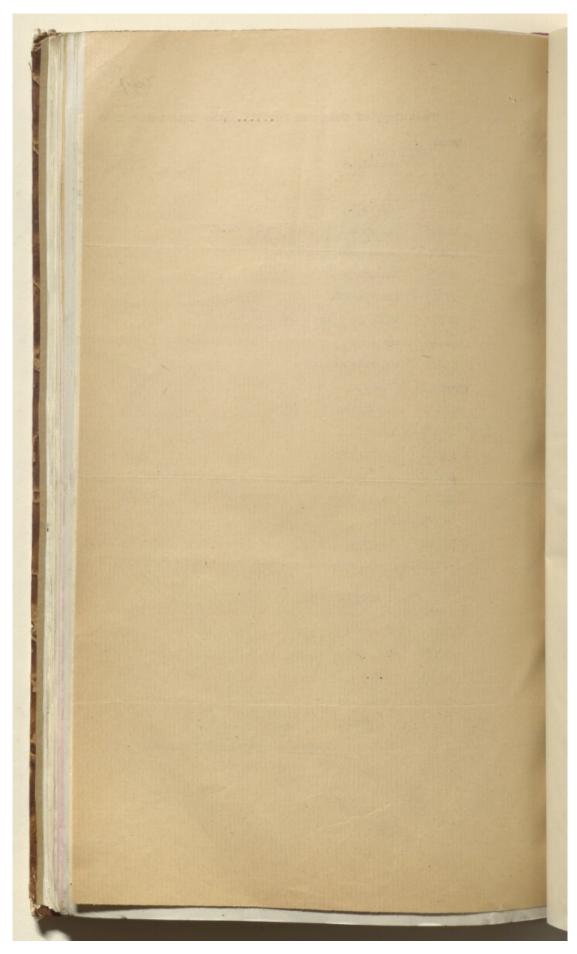






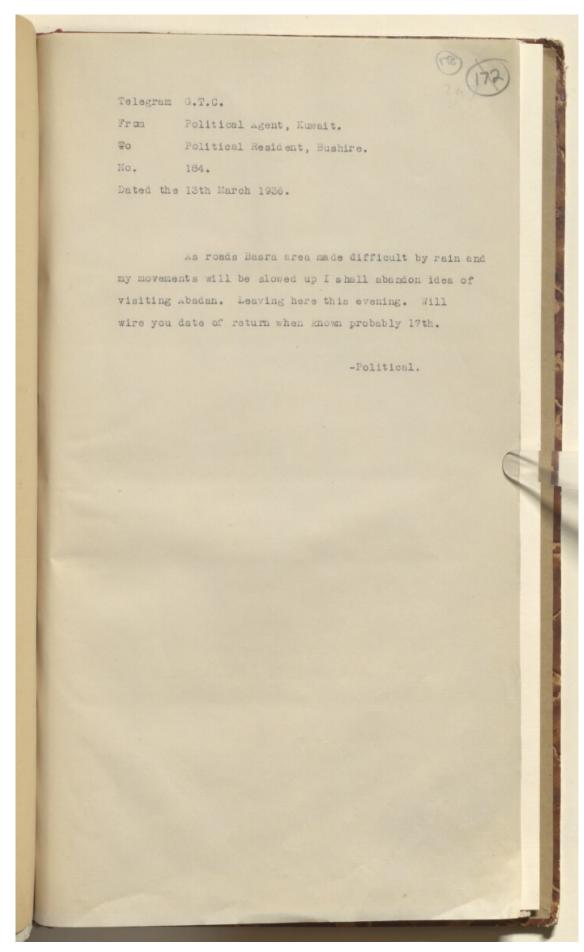






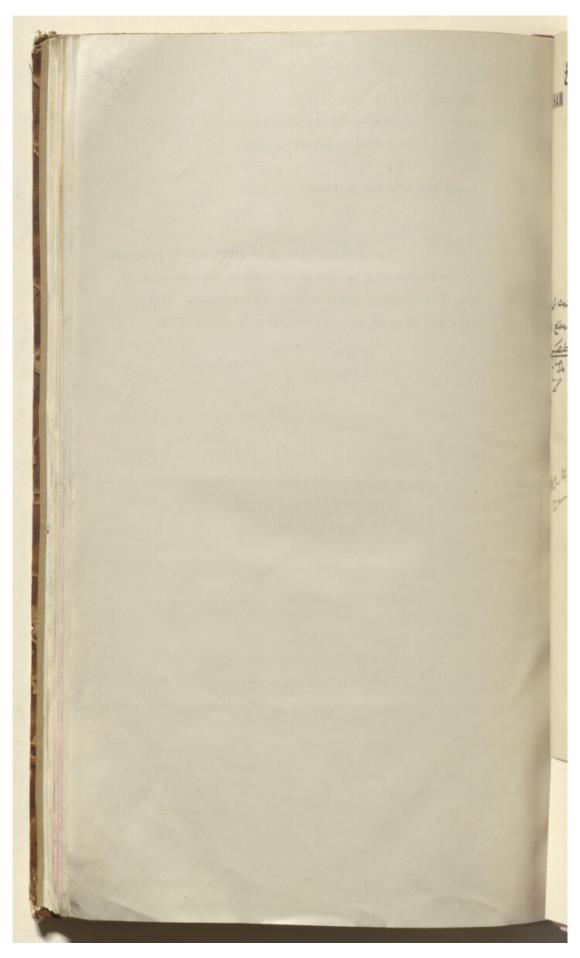






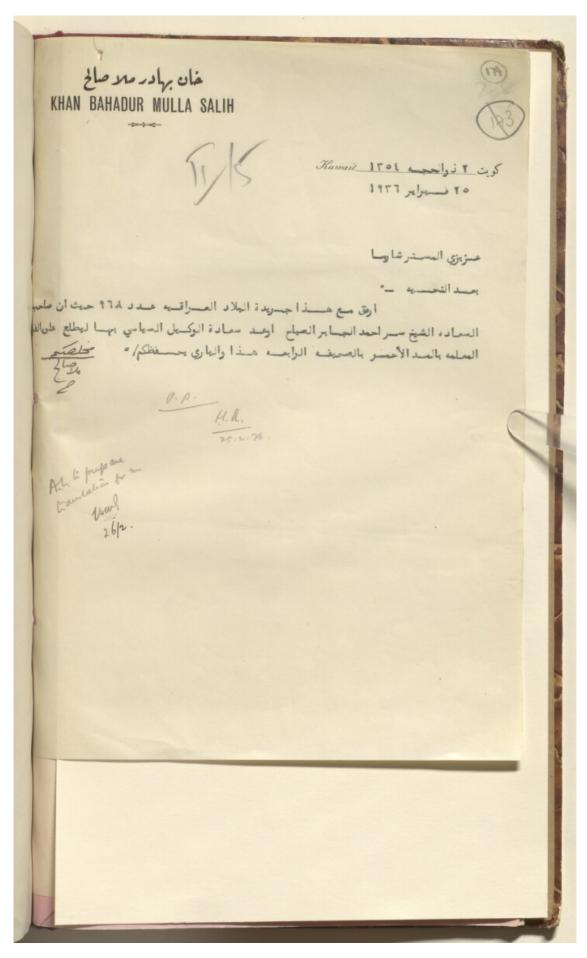






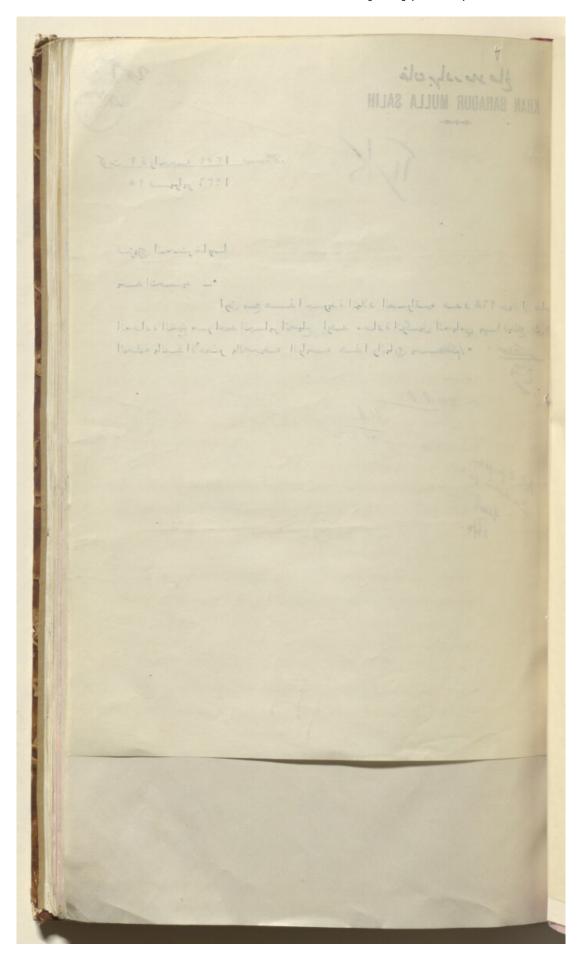






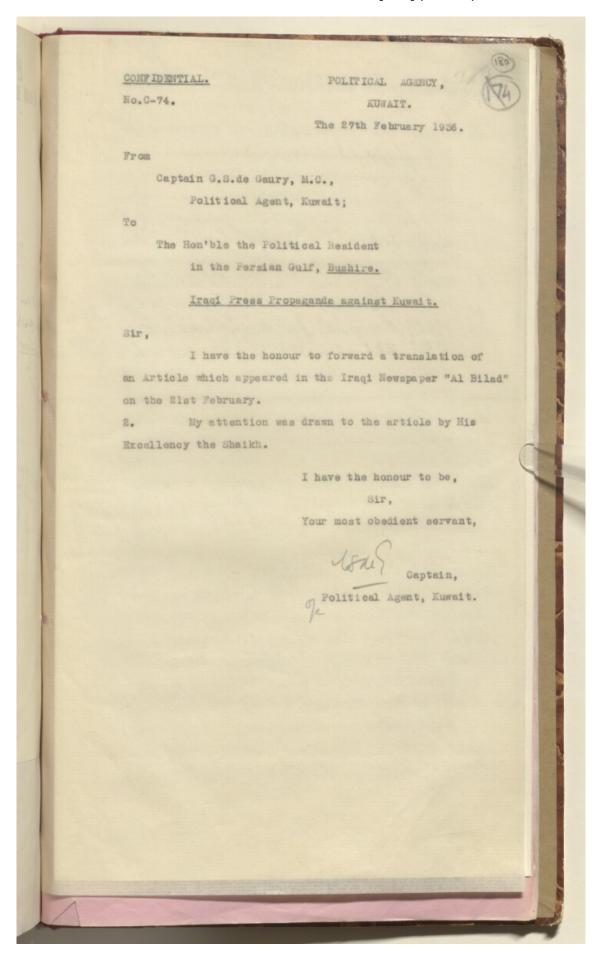


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [179v] (363/412)



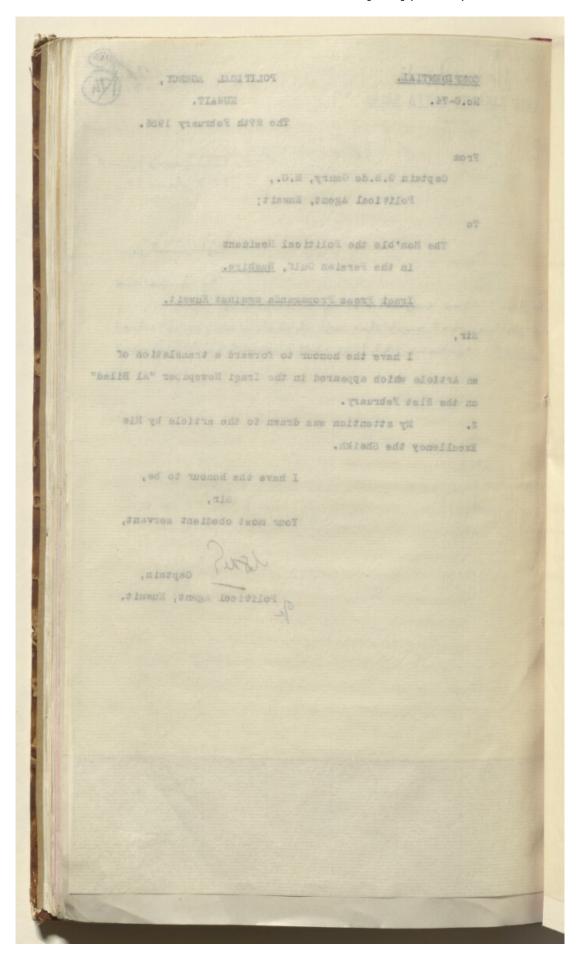






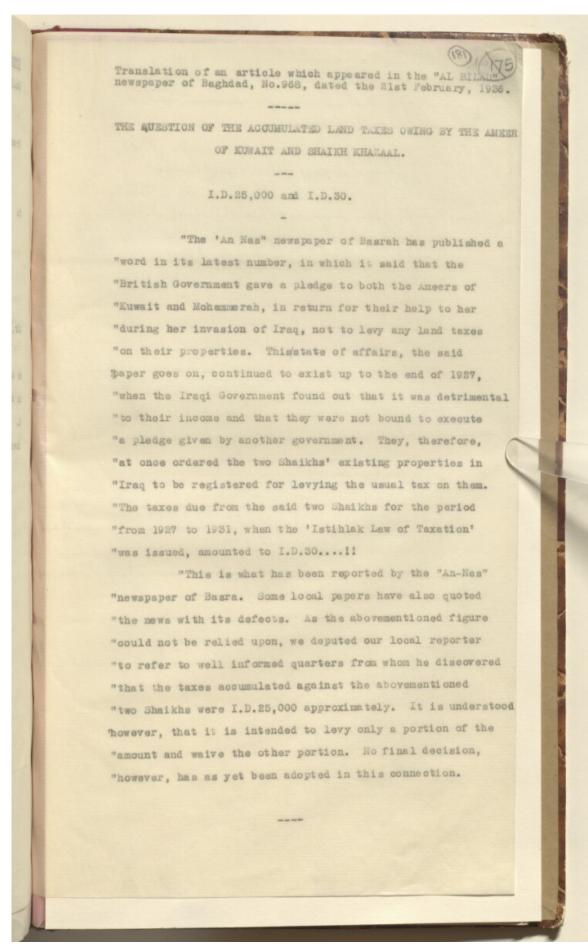


### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [180v] (365/412)



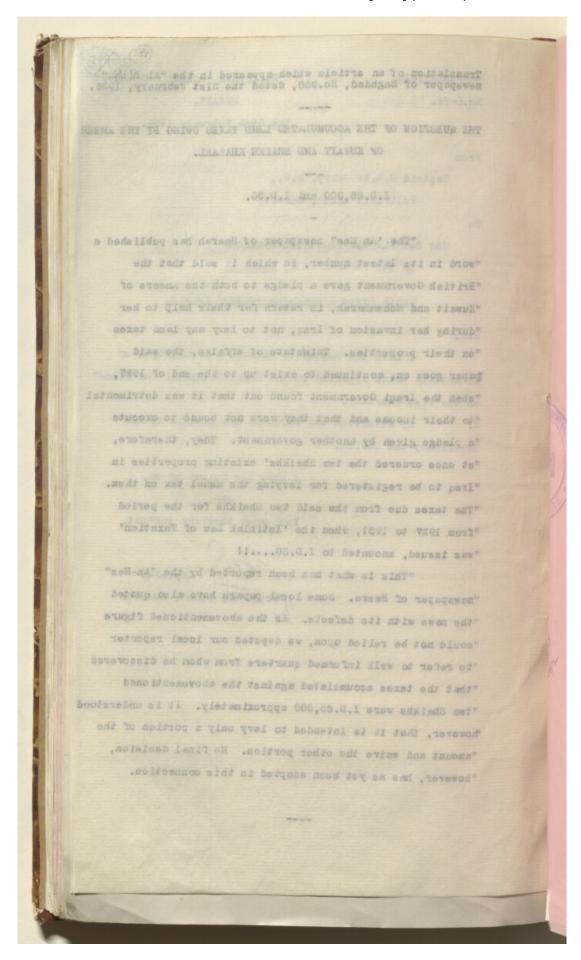
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [181r] (366/412)





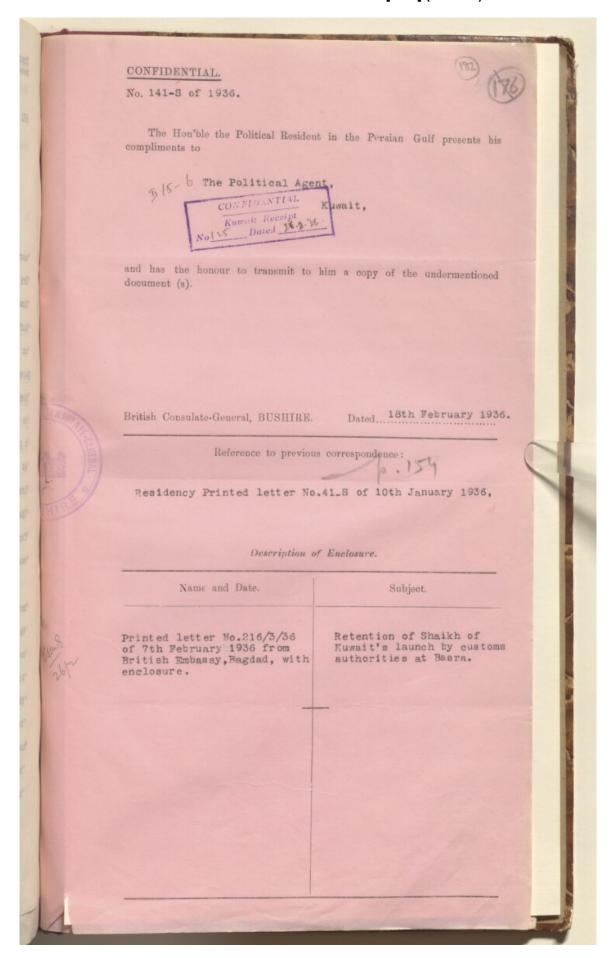


### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [181v] (367/412)



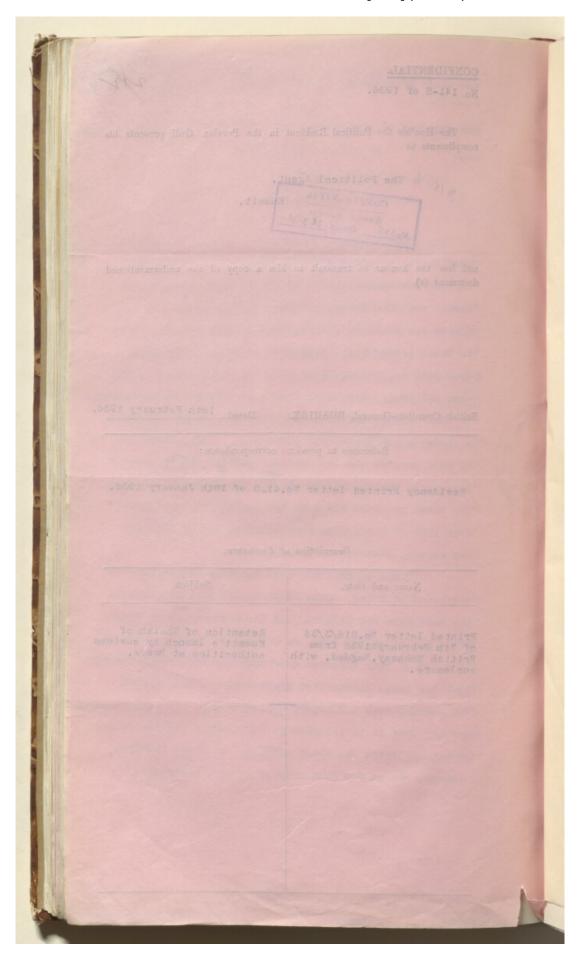


## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [182r] (368/412)

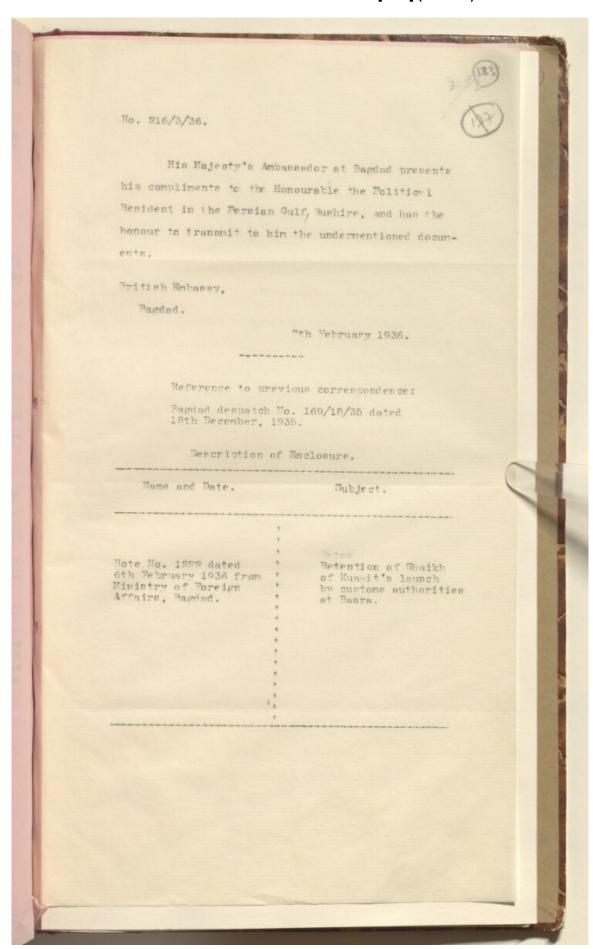




# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [182v] (369/412)

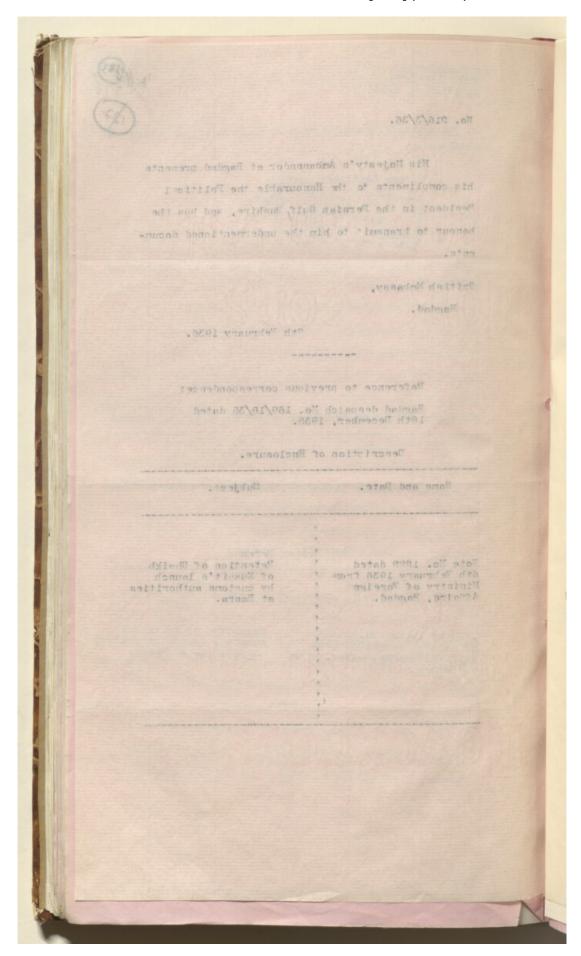


## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [183r] (370/412)



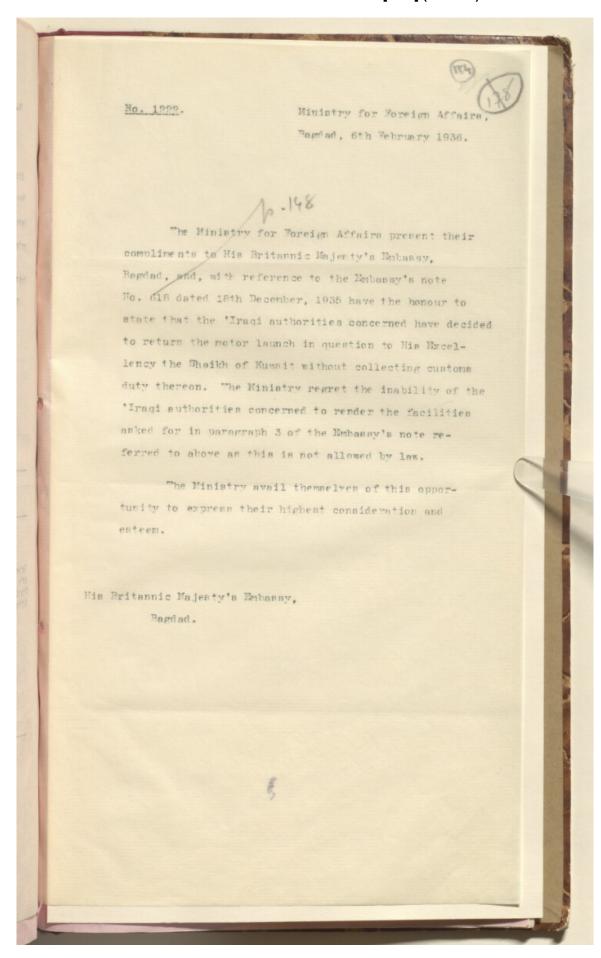


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [183v] (371/412)



# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [184r] (372/412)

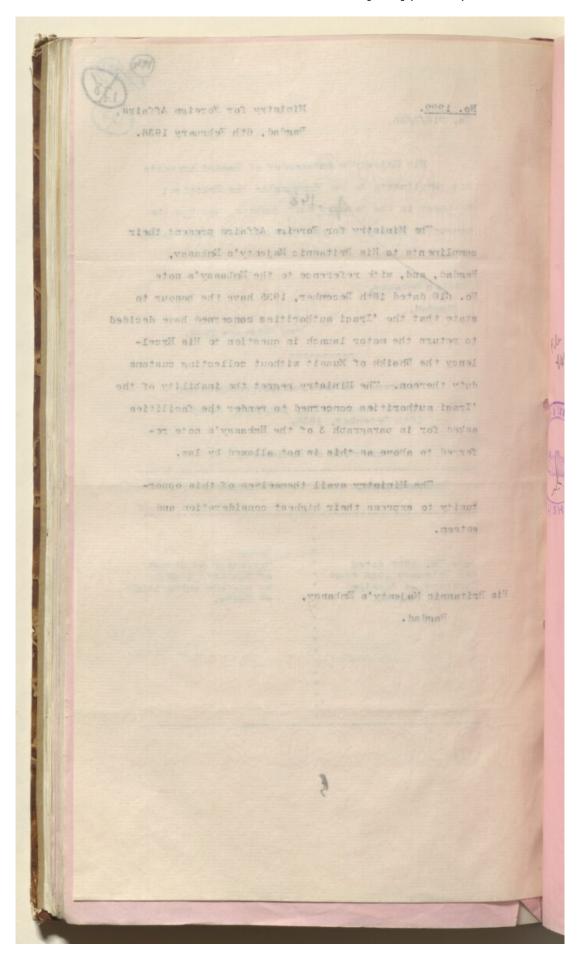




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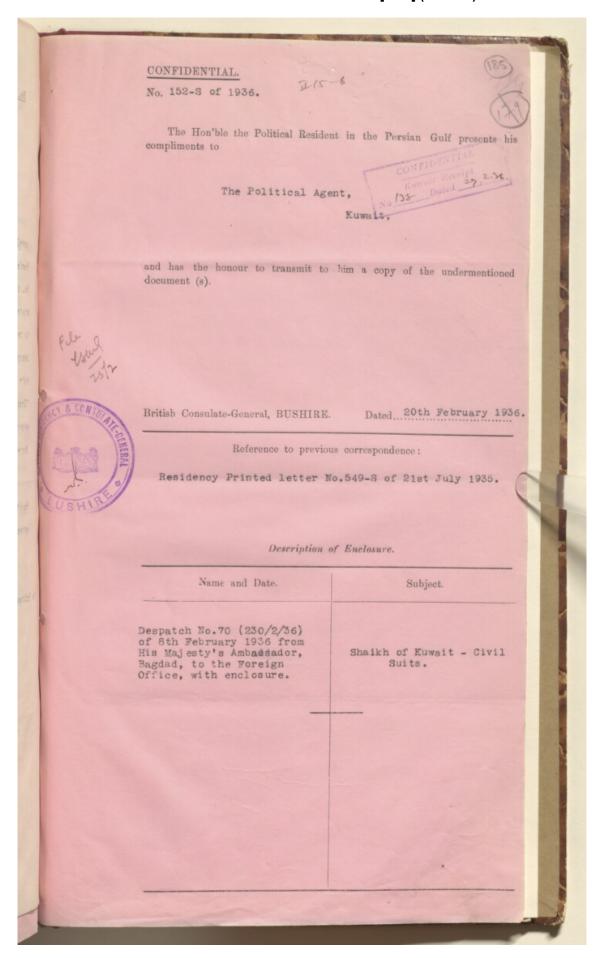
372

### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [184v] (373/412)



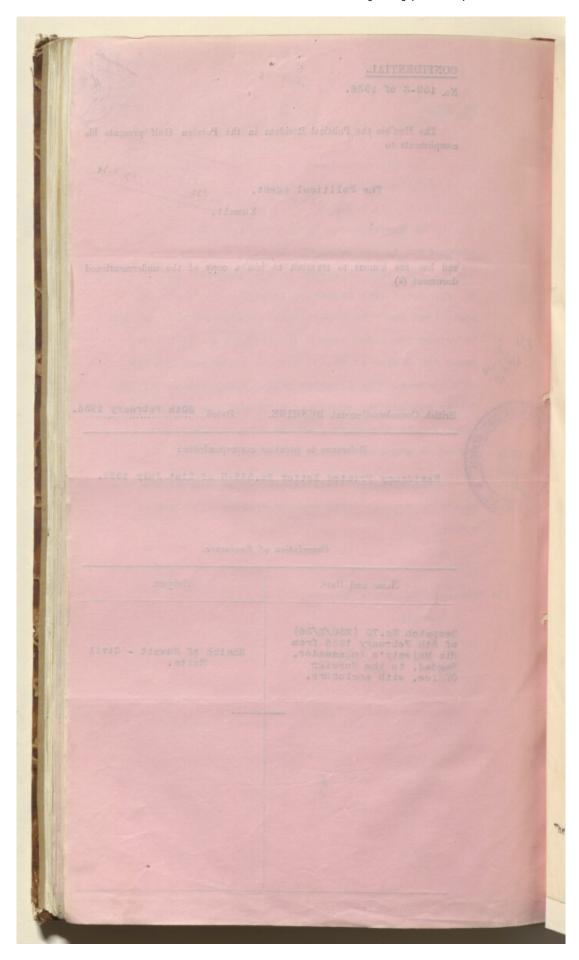


## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [185r] (374/412)



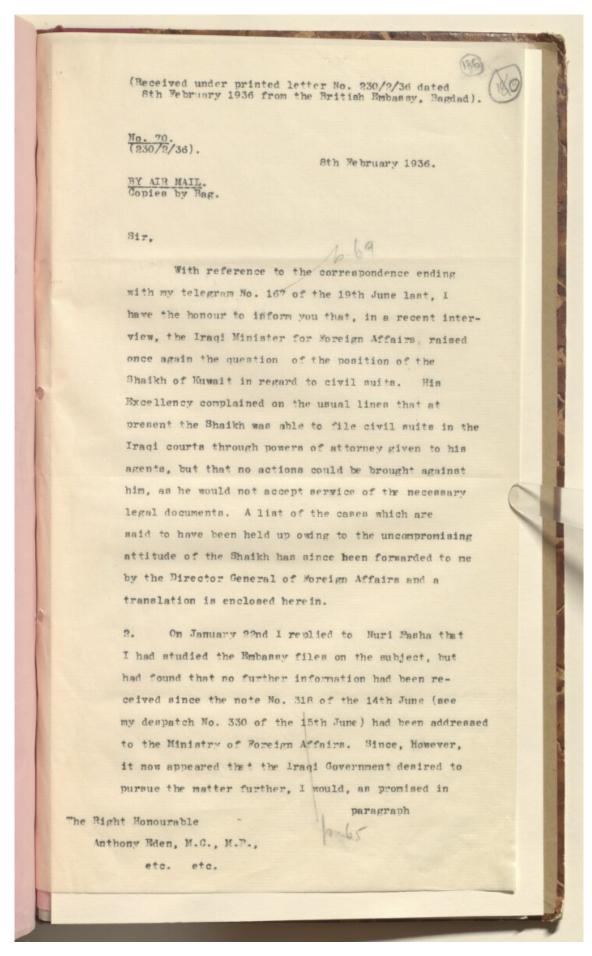


# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [185v] (375/412)



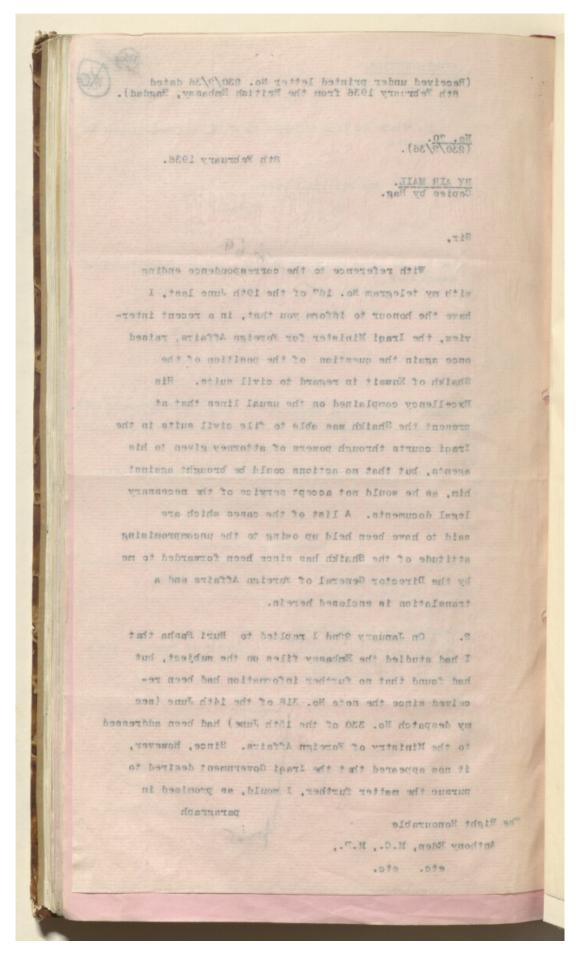
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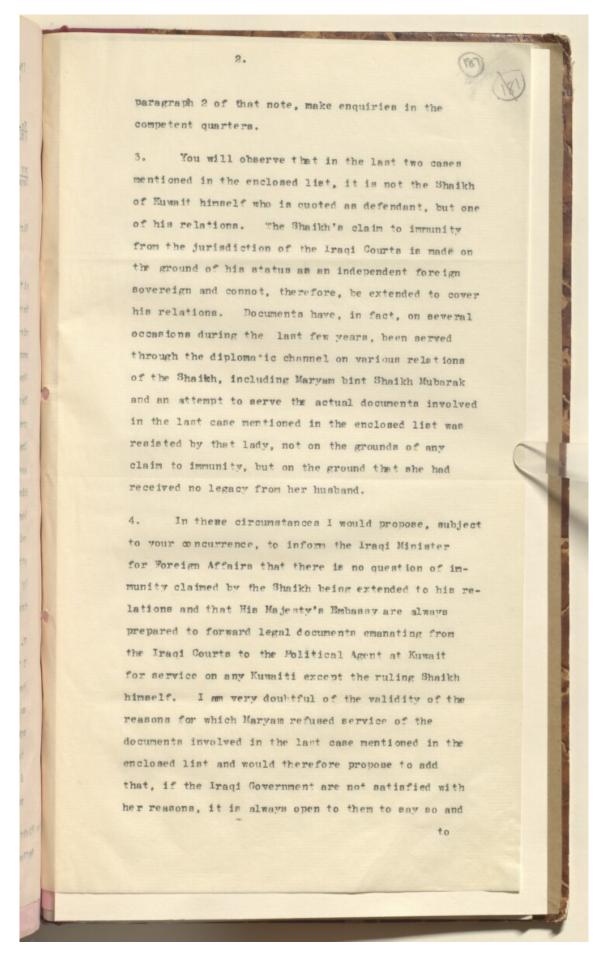
### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [186v] (377/412)





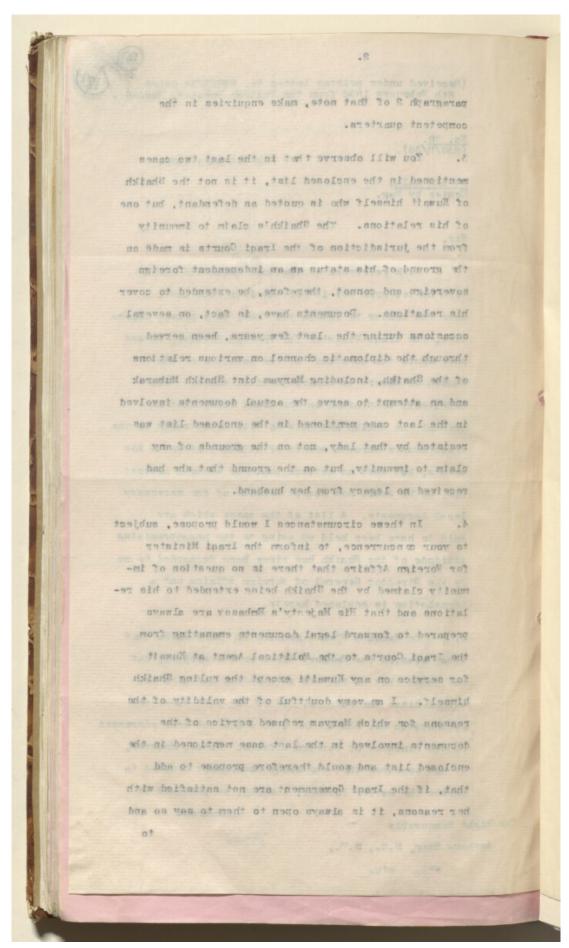






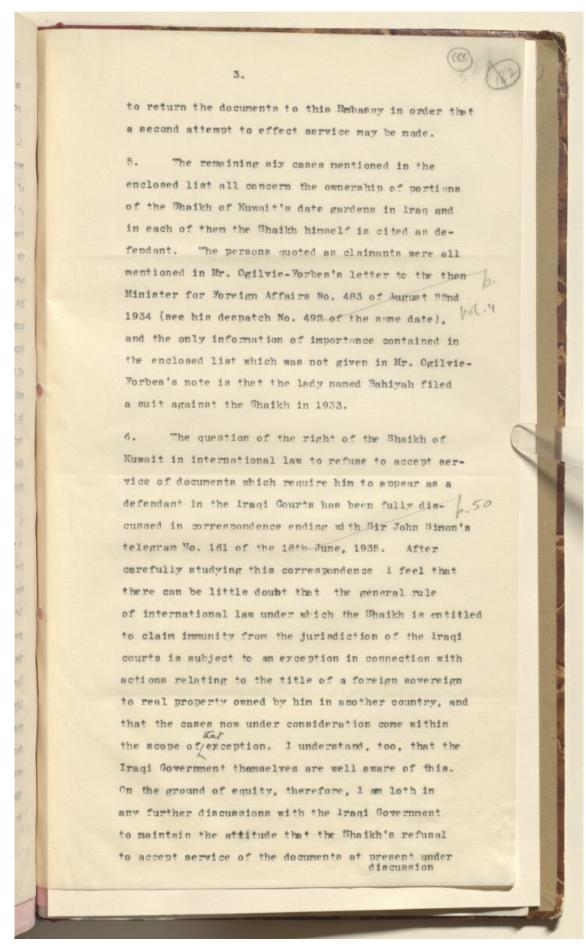


### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [187v] (379/412)



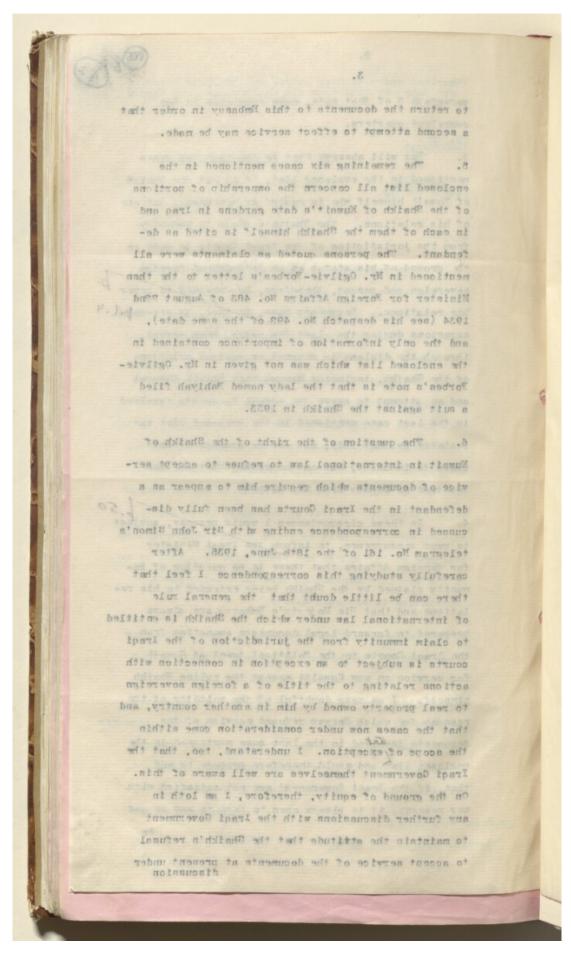
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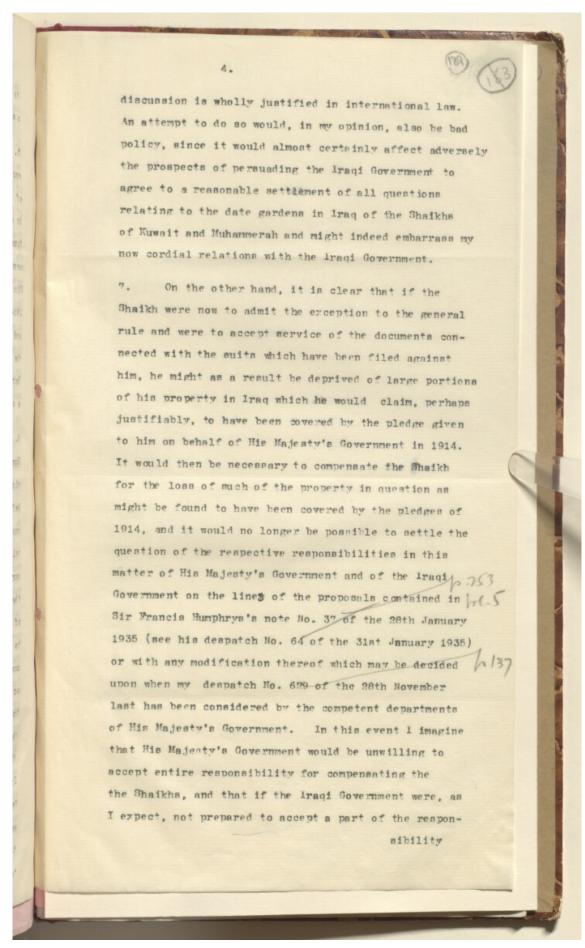






### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [189r] (382/412)





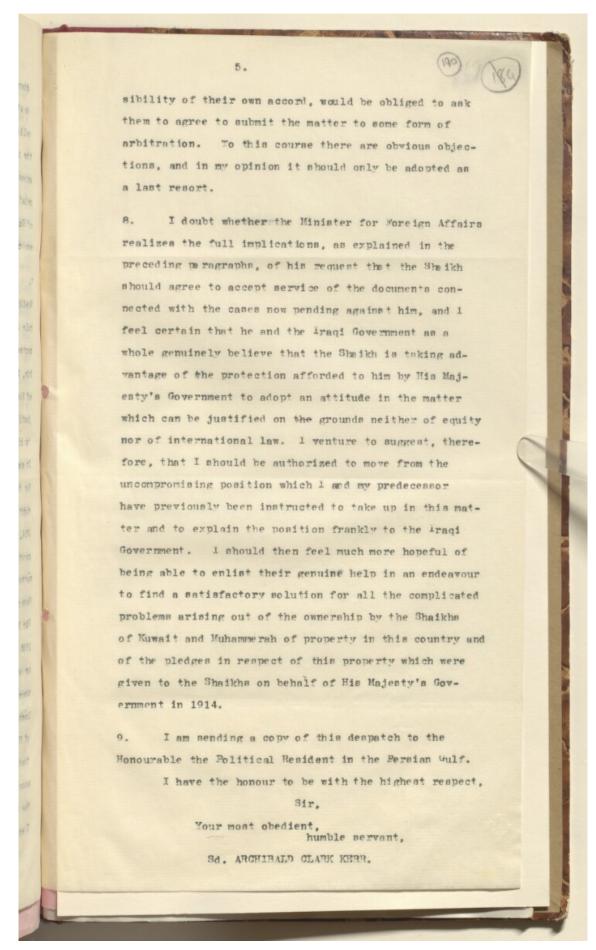




.1 discussion is wholly justified in international law. An attempt to do so would, in my opinion, also be bad policy, since it would almost certainly affect adversely the prospects of persuading the Iraqi Government to agree to a reasonable settlement of all questions relation to the date pardens in Iraq of the Shaikha of Kuwait and Muhammerah and might indeed embarrana my non cordial relations with the Iraqi Government. ". On the other hand, it is clear that if the Shaikh were now to admit the exception to the general rule and were to accept mervice of the documents connected with the autta which have been filed against him, he might as a result be deprived of large portions of his property in Iraq which he would claim, perhaps justifiably, to have been covered by the pledge given to him on behalf of His Majesty's Government in 1914. It would then be necessary to concensate the Bhaikh for the loss of such of the property in question as might be found to have been covered by the pledges of 1914, and it would no longer be possible to settle the question of the respective responsibilities in this matter of His Majesty's Government and of the Iraqi Government on the lines of the proposels contained in . ( Sir Francis Humphryn's note No. 37 of the 28th January 1935 (see his despatch No. 64 of the 31st January 1935) or with any modification thereof which may be decided upon when my despatch No. 620 of the 28th November last has been considered by the competent departments of His Majesty's Government. In this event I imagine that His Majecty's Covernment would be unwillian to accent entire reanonability for compensating the the Shatkha, and that if the Iraci Government were, as I expect, not prepared to accept a part of the responvillidia

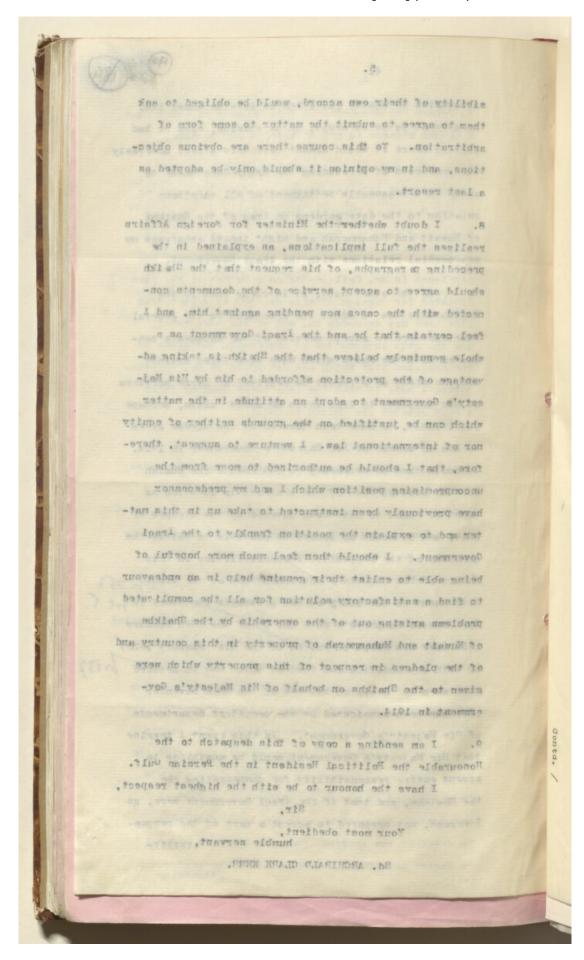






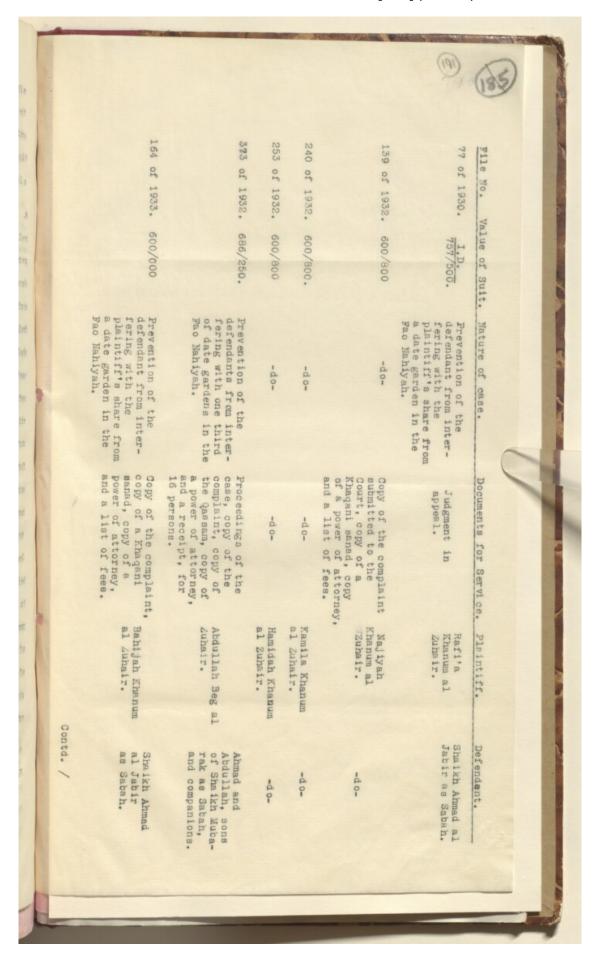






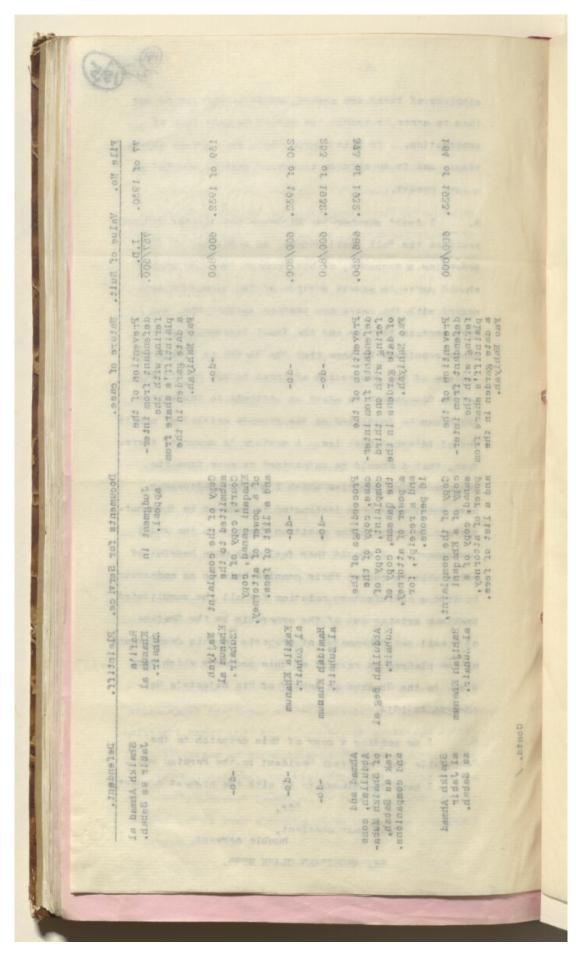






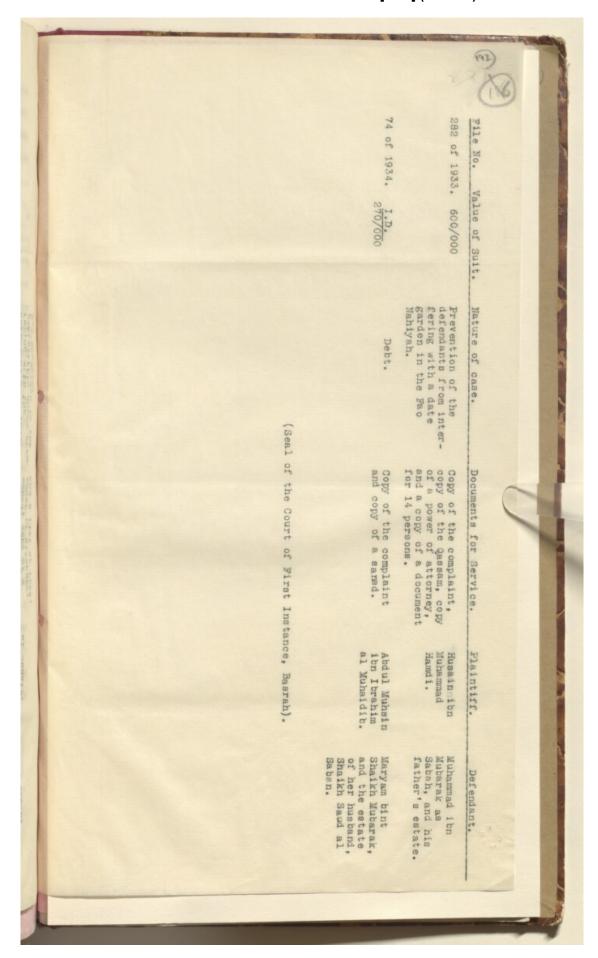






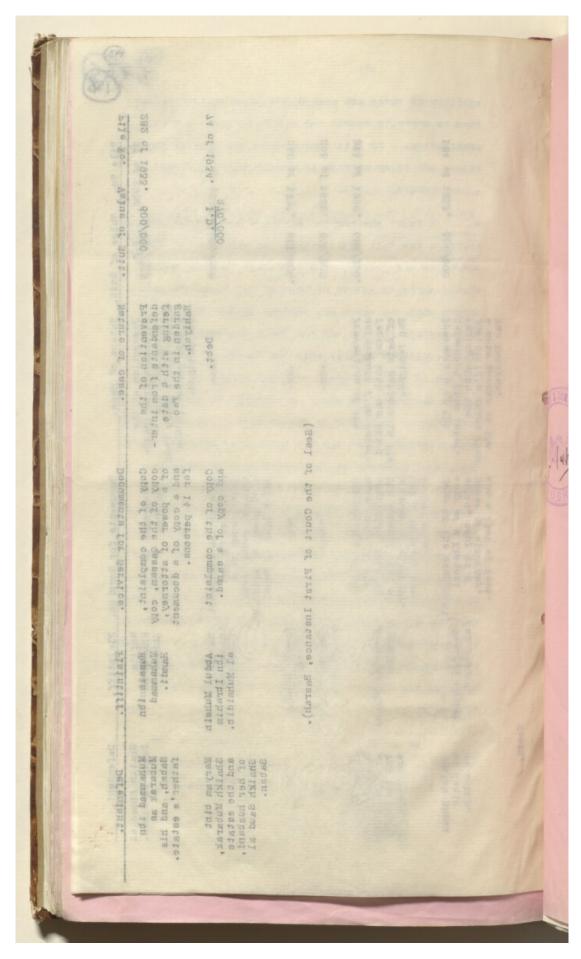


## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [192r] (388/412)



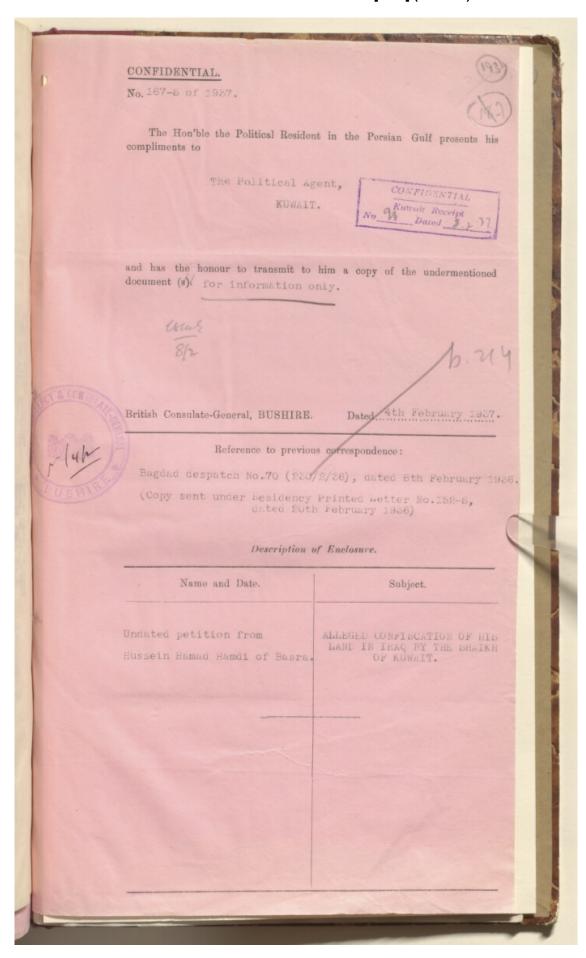






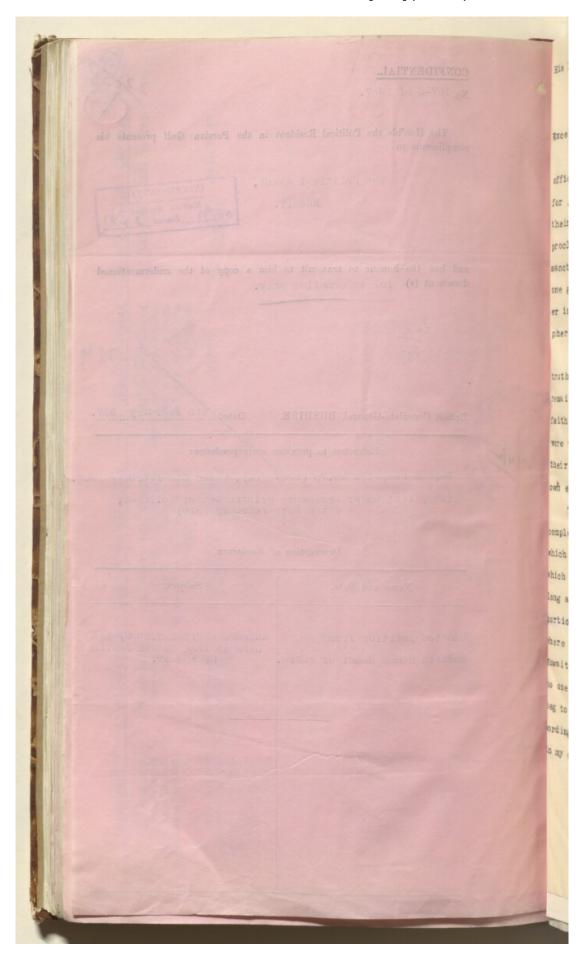


## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [193r] (390/412)





# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [193v] (391/412)



### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [194r] (392/412)



His Excellency
His B.M's Consul General,
BUSHIRE.

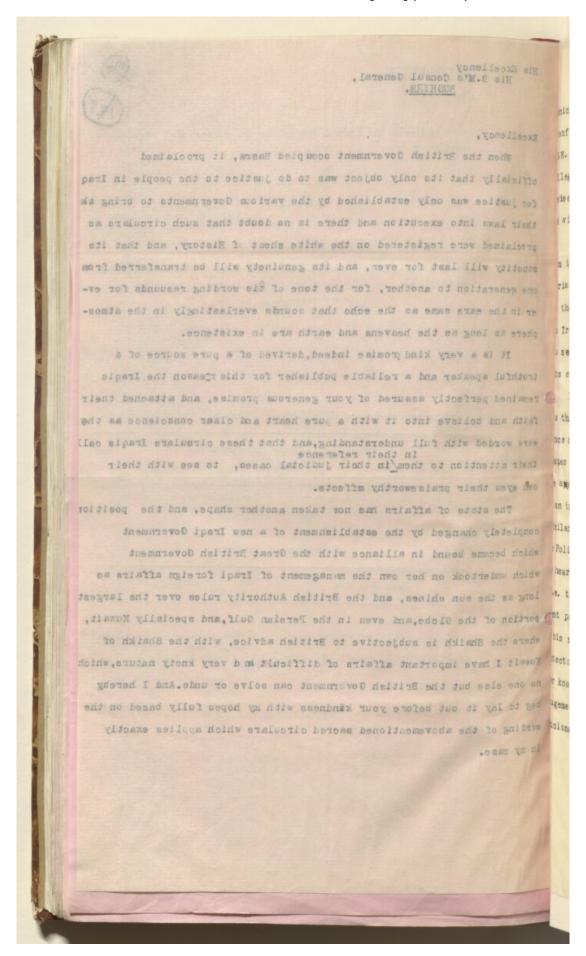


When the British Government occupied Basra, it proclaimed officially that its only object was to do justice to the people in Iraq for justice was only established by the various Governments to bring the their laws into execution and there is no doubt that such circulars as proclaimed were registered on the white sheet of History, and that its sanctity will last for ever, and its genuinety will be transferred from one generation to another, for the tone of this wording resuunds for ever in the ears same as the echo that sounds everlastingly in the atmosphere as long as the heavens and earth are in existence.

It is a very kind promise indeed, derived of a pure source of a truthful speaker and a reliable publisher for this reason the Iraqis remained perfectly assured of your generous promise, and attached their faith and believe into it with a pure heart and claar conscience as the were worded with full understanding, and that these circulars Iraqis call in their reference their attention to them/in their judicial cases, to see with their own eyes their praiseworthy affects.

The state of affairs has now taken another shape, and the position completely changed by the establishment of a new Iraqi Government which became bound in alliance with the Great British Government which undertook on her own the management of Iraqi foreign affairs as long as the sun shines, and the British Authority rules over the largest portion of the Globe, and even in the Persian Gulf, and specially Kuwait, where the Shaikh is subjective to British advice, with the Shaikh of Kuwait I have important affairs of difficult and very knoty nature, which no one else but the British Government can solve or undo. And I hereby beg to lay it out before your kindness with my hopes fully based on the wording of the abovementioned sacred circulars which applies exactly in my case.

### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [194v] (393/412)



### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [195r] (394/412)



- 2 -

I am an Iraqi in origin, and possessed extensive land property which I inherited from my forefathers, but Shaikh Ahmad al Jabar at Sabah confideated all my property and turned me out of it by force majore, and H.E. is still enjoying the benefit of my land property which he obtained illegally and unjustly, on my part I am weak and ubable to oppose him or raise objections to him for he is a great authority a mi I am singlehanded without support.

I was compalled however in the year 1933 to file a suit against him in the Court of first Instance Basrah, which was registered under Serial No.282/1933, but unfortunately I could not serve the Summons of the court upon my defendant neither in person nor to his epresentative in Iraq, and that the Court itself tried also its best on several occasions to serve the summons upon the Shaikh either personally or otherwise but its effects went in vain, and was met with complete failure each time.

I was rather stupefied with such transaction & dealings contrary to the spirit of justice and void of equity. And I therefore feel compelled once more to submit my grievances through your good offices, with full hopes that after perusing my petition you will be kind enoughto render me a my assistance possible in your power to solve my knotty problem. For I am inclined to believe at last that you alone can solve my problem, similar to other matters solved by your kindness. Firstly in your capacity as Political Agent of Great Britain I feel assured you will not refuse w hearty request of a weak man, and beseech you in the name of justice i.e. the justice which has nothing to do with policy) to take any arrangment possible to serve the summons either to the Shaikh in person or to his representatives, and by doing so you will admit yourself as Protector of justice to which as a representative of Great Britain is Wer known, for Great Britain is widely known for its good and just anagement all over the word, throughout her Kingdome and in the ominions in general.

> Sd. HUSSEIN HAMAD HAMDI through Haji Kadhem el Badir Ashar Basra.



### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [195v] (395/412)

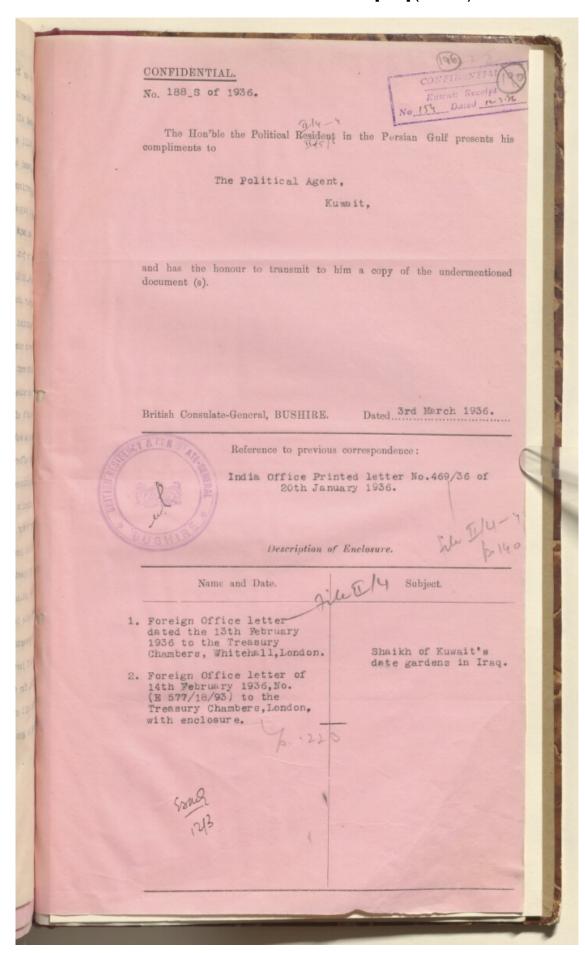


- 8 -I se an Iraqi in origin, and possessed extensive land property which I inherited from my forefathers, but Shaikh Aimad al Jabar at Sabah confidented all my property and turned me out of it by force majore, and u.w. is still envoying the benefit of my land property which he obtained To mid szeggo of sidedu bne desw ma I frag vm no, vifeujnu bne vileseill -bnadelgata ma I in a vitrodius jest a el en Tol min of molificio estar ed without support. tenisms thus a eli'l of 5591 rasy ent ni revewed beligomes saw t him in the Court of first Instance Basrah, which was registered under Serial No. 282 1935, but unfortunately I could not serve the Summons of the court upon my defendant neither in person nor to his epresentative anolaspoo fareves no test all oels beitt liesti food ent test tas, pari al to serve the summons upon the Shalkh either personally or otherwise but its efforts went in vain, and was met with complete failure each time. was rather stupefied with such transaction & dealings contrary to the spirit of justice and to do equity. And I therefore feel compains once more to submit my grievances through your good offices, with full hopes that after perusing my petition you will be kind enoughto render me aky assistance possible in your power to solve my knotty problep. For , meldorq ym evlos nas encle woy tant tast ta evetied of hentime I similar to other matters solved by your kindness. Firstly in your capacity as Political Agent of Great Britain I feel assured you will not refuse westly request of a weak man, and beseech you in the name of justice (i.e. the justice which has nothing to do with policy) to take any arrang-To nosred at disable to serve the summons either to the shaikh in person or o his representatives, and by doing so you will admit yourself as Retector of justice to which age a representative of Great Britain is ver kno m, for Great Britain is widely known for its good and just anagement all ove the word, throughout her Kingdome and in the ominions in general. Sd. HUSSEIN HAMAD HAMDI through Haji Kadhem el Badir Ashar Basra,

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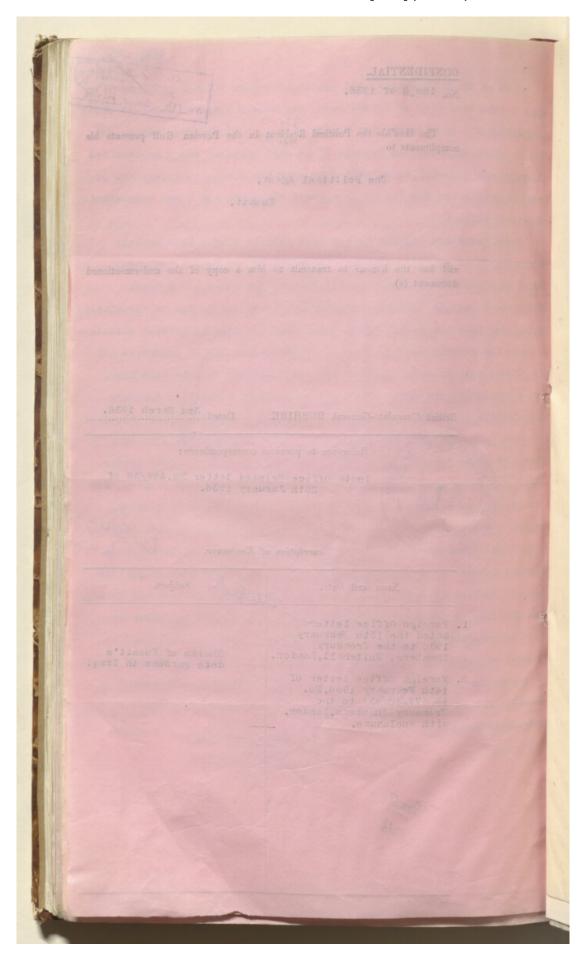
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### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [196r] (396/412)



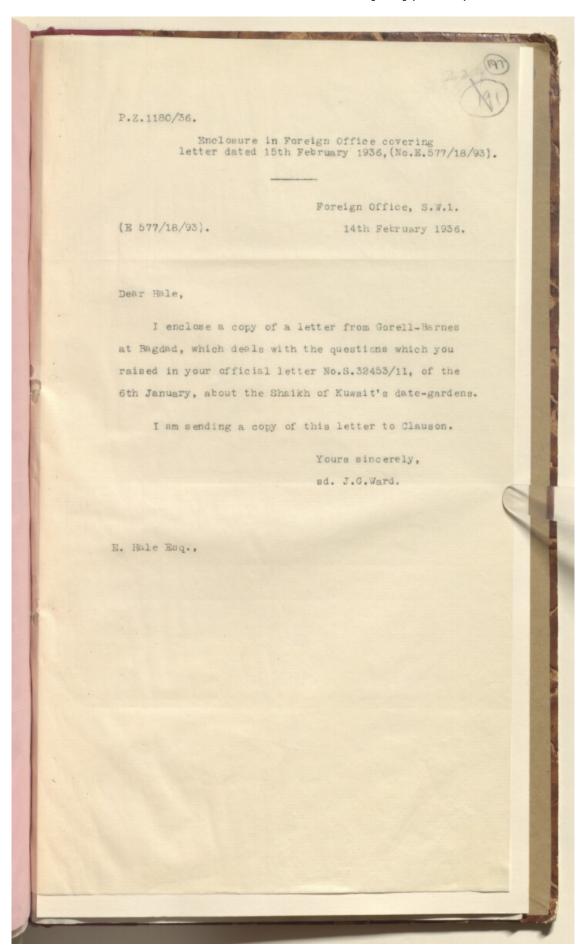


## 'File 2/5 VI SHAIKH'S DATE GARDENS.' [196v] (397/412)



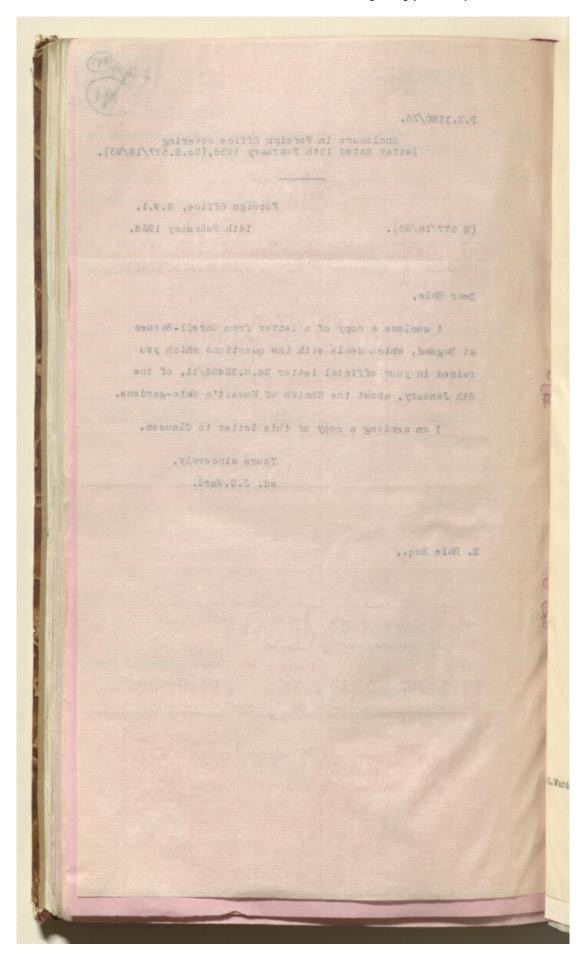


#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [197r] (398/412)





### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [197v] (399/412)



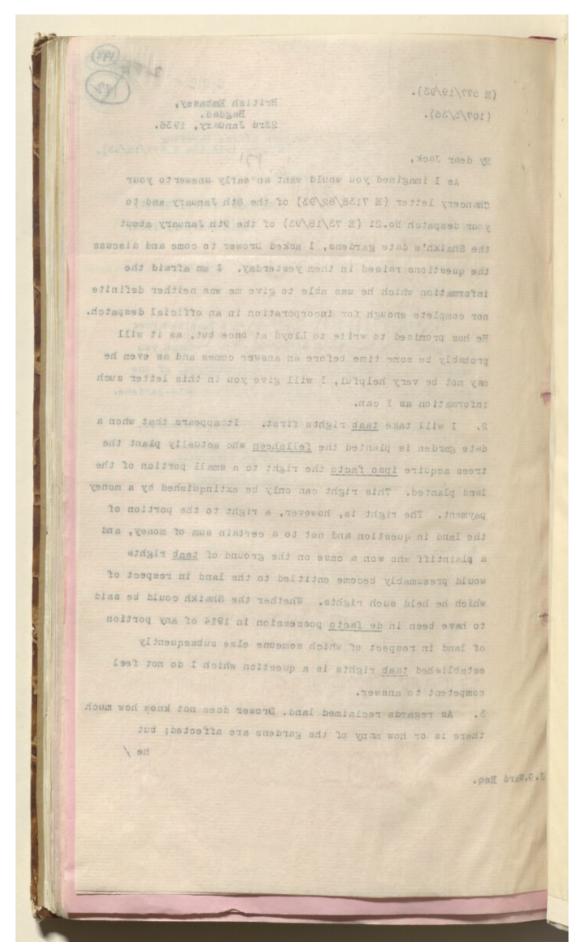
#### 'File 2/5 VI SHAIKH'S DATE GARDENS.' [198r] (400/412)



(E 577/19/93). British Embassy, (107/5/36). Bagdad. 23rd January, 1936. My dear Jack, 171 As I imagined you would want an early answer to your Chancery letter (E 7138/82/93) of the 8th January and to your despatch No.21 (E 73/18/93) of the 9th January about the Shaikh's date gardens, I asked Drower to come and discuss the questions raised in them yesterday. I am afraid the information which he was able to give me was neither definite nor complete enough for incorporation in an official despatch. He has promised to write to Lloyd at once but, as it will probably be some time before an answer comes and as even he may not be very helpful, I will give you in this letter such information as I can. 2. I will take taab rights first. Ittappears that when a date garden is planted the fellaheen who actually plant the trees acquire ipso facto the right to a small portion of the land planted. This right can only be extinquished by a money payment. The right is, however, a right to the portion of the land in question and not to a certain sum of money, and a plaintiff who won a case on the ground of taab rights would presumably become entitled to the land in respect of which he held such rights. Whether the Shaikh could be said to have been in de facto possession in 1914 of any portion of land in respect of which someone else subsequently established taab rights is a question which I do not feel competent to answer. As regards reclaimed land, Drower does not know how much there is or how many of the gardens are affected; but 1. G. Ward Esq.

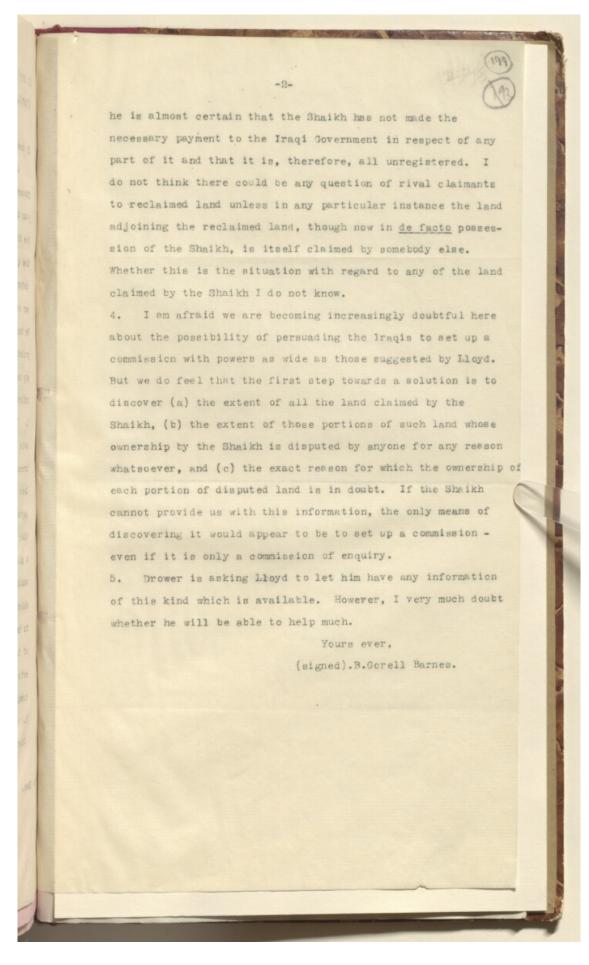


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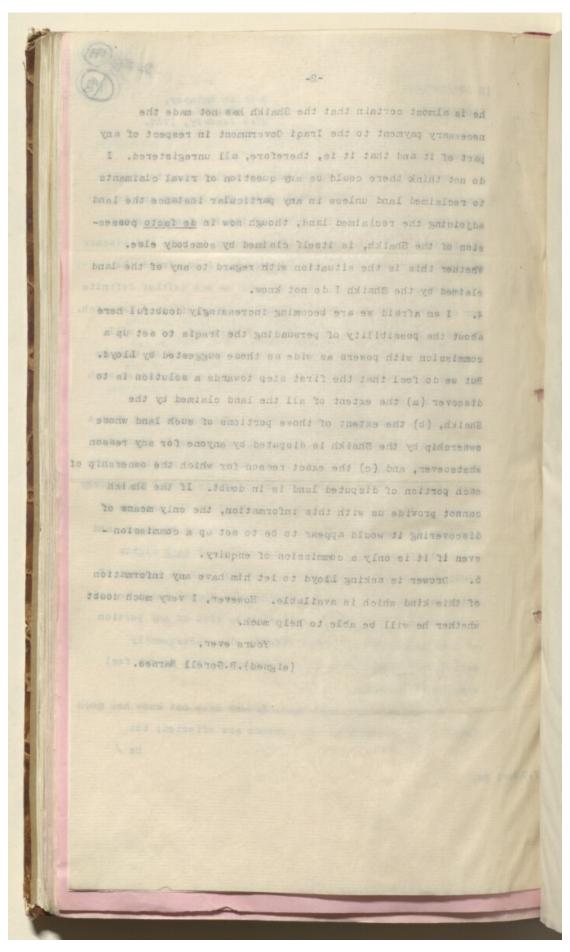






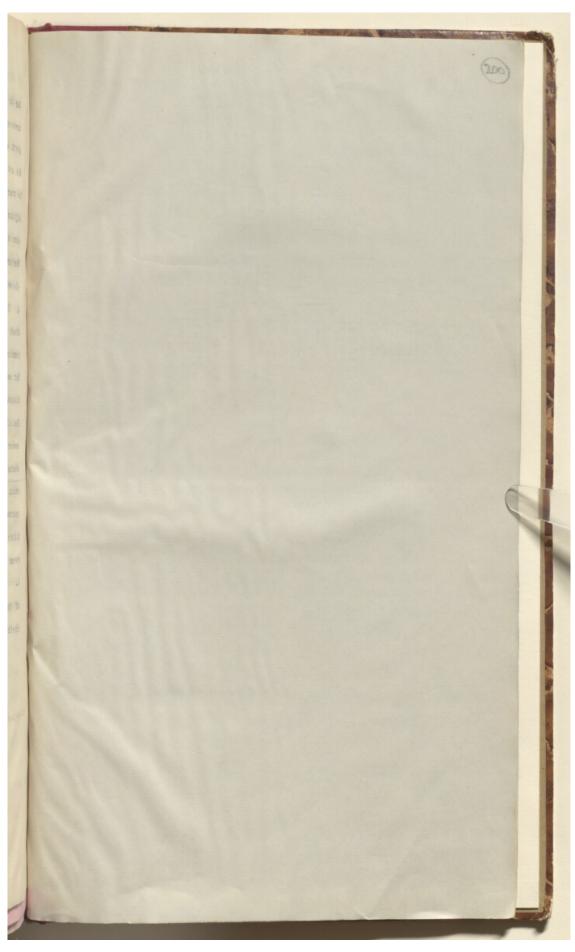






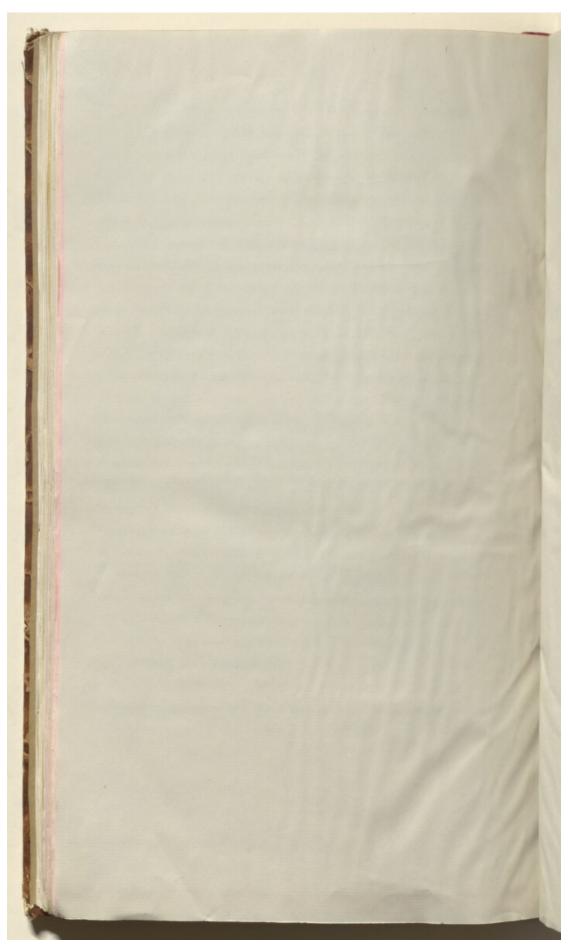






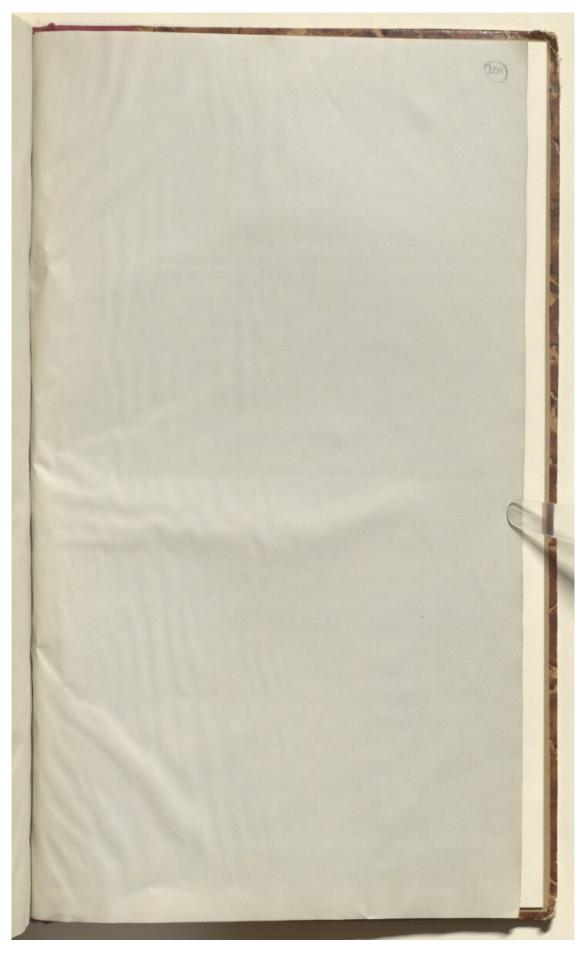






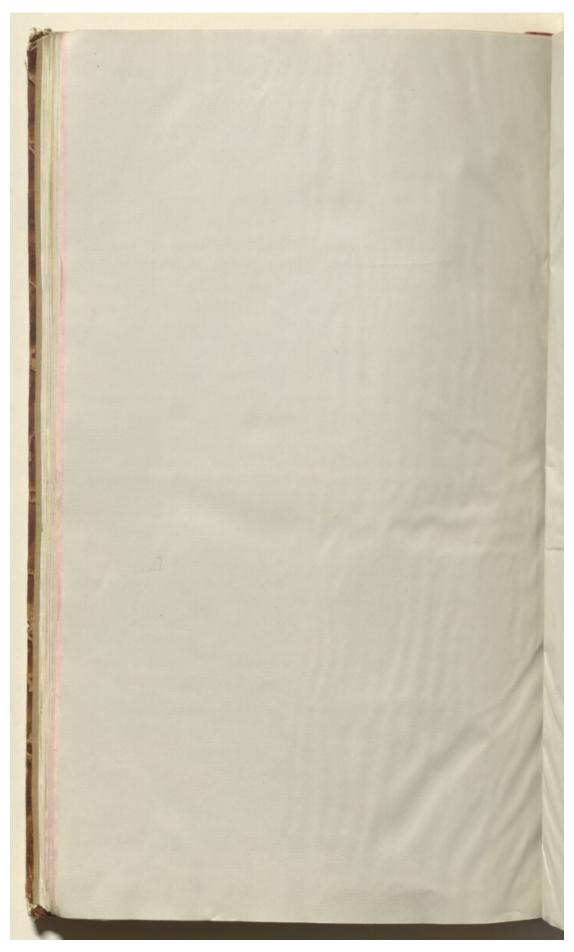






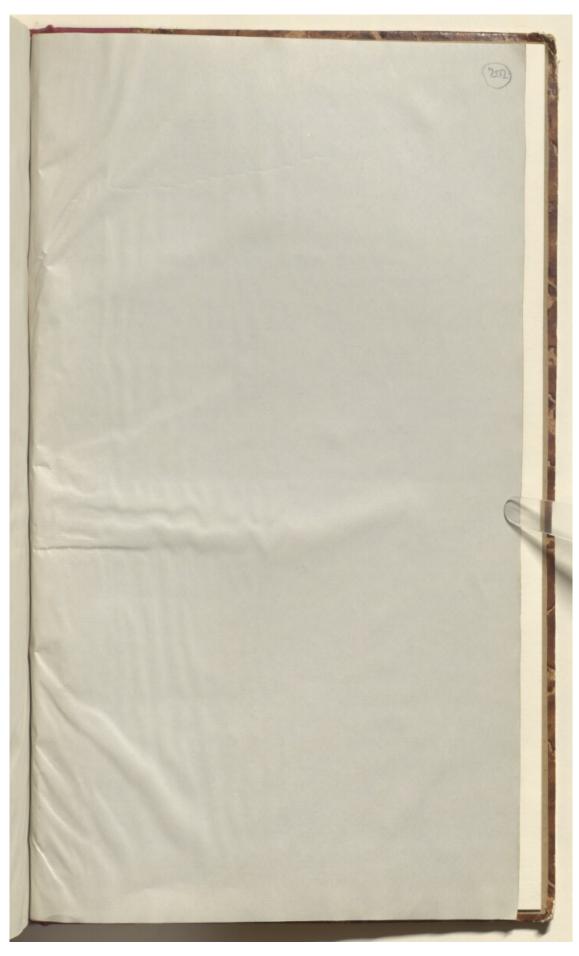






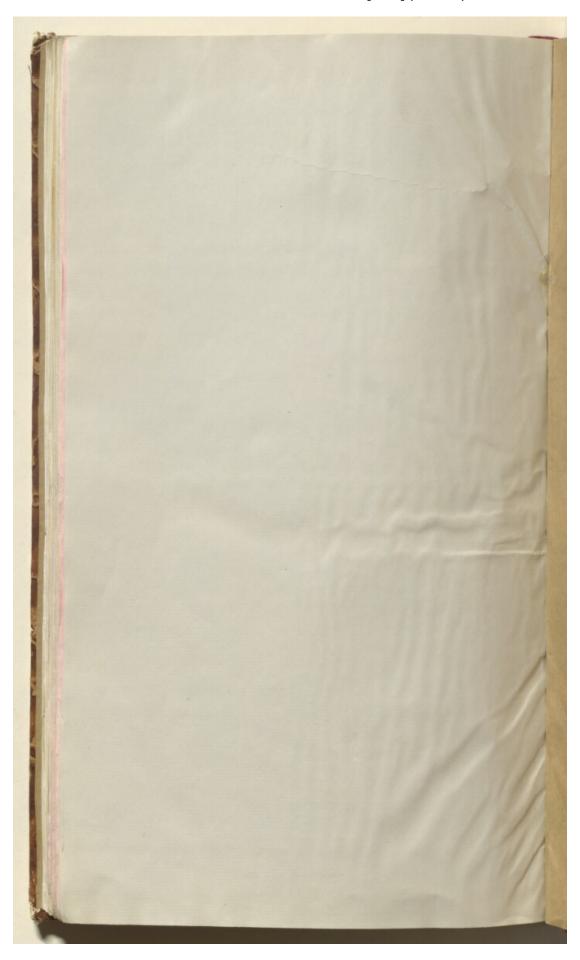












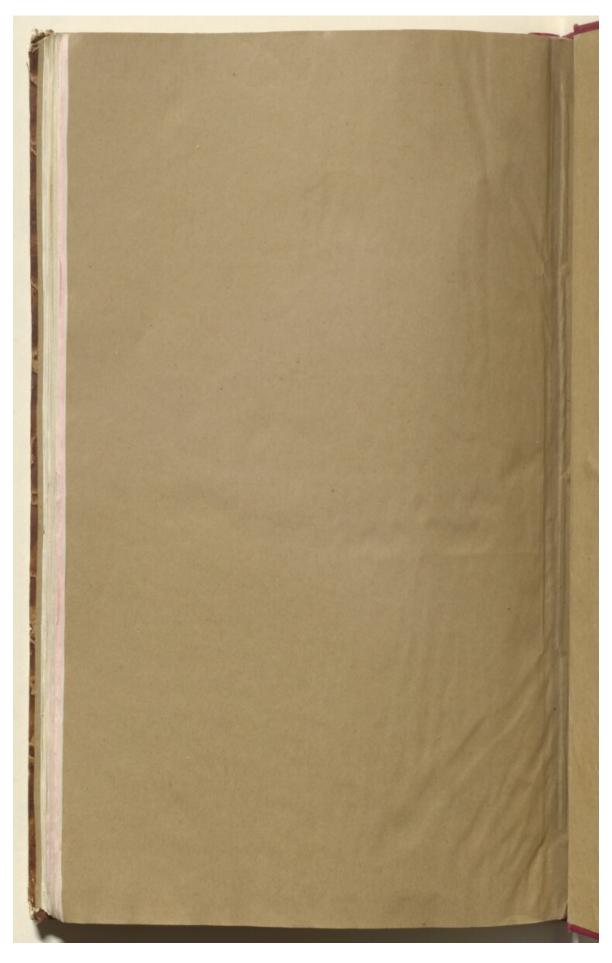














# 'File 2/5 VI SHAIKH'S DATE GARDENS.' [back-i] (412/412)

